

Mr. ALLISON. I would rather have 4 o'clock to-morrow than no time, and therefore I will agree to 4 o'clock. I ask unanimous consent that at 4 o'clock to-morrow there shall be no further debate on this bill, and that all amendments shall be voted on after that without debate.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 4 o'clock to-morrow the vote shall be taken upon the amendments to the pending bill without further debate.

Mr. ALLISON. And that we shall proceed until the bill is disposed of.

The PRESIDING OFFICER. And that the Senate shall then proceed with the consideration of the bill until disposed of. Is there objection to the proposition? The Chair hears none, and it is so ordered.

Mr. GRAY. I ask unanimous consent that the amendments which I have just offered may be printed.

Mr. ALDRICH. I suggest that they be read.

Mr. ALLISON. Let the amendments of the Senator from Delaware be read, so that they may go into the RECORD.

The PRESIDING OFFICER. The proposed amendments will be read.

The Secretary read as follows:

Amend section 14 by striking out all after the word "accordingly," in line 28, and inserting:

"And whenever Congress has not clearly and distinctly declared the classification of any imported article and the rate of duty thereon, but the law is equivocal and ambiguous in that regard, and appraising officers or the collector are in doubt which of two or more rates the law has required, then the lowest of those rates shall be levied and collected, the appropriate appraising officer or collector shall forthwith inform the Secretary of the Treasury, and he shall report all the facts to Congress."

Amend section 3 by adding at the end thereof the following:

"But for receiving such declaration, verifying and certifying all of the invoices or statements required by this or any other law or regulation, including oaths before whomsoever taken on the requirement of a consular officer, the shipper shall not pay in the aggregate on any one shipment a fee greater than the \$2.50 prescribed by section 2351 of the Revised Statutes."

The PRESIDING OFFICER. The proposed amendments will be ordered to be printed, in the absence of objection.

Mr. ALLISON. Some Senators about me think that the order I proposed for to-morrow is not clearly understood. As I understand it, there is unanimous consent that at 4 o'clock to-morrow we shall proceed to vote on this bill and all amendments offered to it without further debate, and go on with the bill to-morrow until we finally dispose of it.

Mr. GRAY. That is right.

Mr. COCKRELL. Everybody understands that or ought to.

The PRESIDING OFFICER. The Chair very plainly announced that as the understanding and heard no objections to the same.

Mr. ALLISON. I thought so.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 2, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 1st day of May, 1890.

POSTMASTERS.

James O. Coleman, to be postmaster at Sacramento, in the county of Sacramento and State of California, in the place of R. D. Stephens, whose commission expires May 14, 1890.

Dillon D. Dodson, to be postmaster at Red Bluff, in the county of Tehama and State of California, in the place of Warren N. Woodson, whose commission expires May 14, 1890.

Charles H. Emily, to be postmaster at Moodus, in the county of Middlesex and State of Connecticut, in the place of Edward C. Brownell, whose commission expired April 28, 1890.

George W. Smith, to be postmaster at New Hartford, in the county of Litchfield and State of Connecticut, in the place of Carlos O. Holcomb, removed.

Willard L. Van Duzor, to be postmaster at Kissimmee, in the county of Osceola and State of Florida, in place of David C. Lee, removed.

Hutchens B. Durham, to be postmaster at Wilmington, in the county of Will and State of Illinois, in the place of Frank Shields, whose commission expires May 5, 1890.

James C. Harwood, to be postmaster at Plano, in the county of Kendall and State of Illinois, in the place of Sumner R. Sanderson, removed.

Luther K. Lee, to be postmaster at Warren, in the county of Jo Daviess and State of Illinois, in the place of Jacob P. Kerlin, whose commission expired April 28, 1890.

Joseph Vos, to be postmaster at Orange City, in the county of Sioux and State of Iowa, in the place of Henry Slickerveer, removed.

William Stackpole, to be postmaster at Saco, in the county of York and State of Maine, in the place of George P. McKinney, whose commission expired April 16, 1890.

Augustus M. Bearse, to be postmaster at Middleborough, in the county of Plymouth and State of Massachusetts, in the place of Charles W. Turner, whose commission expired April 21, 1890.

Charles Manser, to be postmaster at Everett, in the county of Middlesex and State of Massachusetts, in the place of Columbus Corey, whose commission expired April 6, 1890.

Herbert H. Bunyea, to be postmaster at Pentwater, in the county of Oceana and State of Michigan, in the place of Oscar H. Dean, resigned.

Jehiel T. Day, to be postmaster at Gallatin, in the county of Daviess, and State of Missouri, in the place of William E. Black, whose commission expires May 14, 1890.

Mark W. Laughlin, to be postmaster at Monroe City, in the county of Monroe and State of Missouri, in the place of John Sherman, whose commission expires May 25, 1890.

Henry Robinson, to be postmaster at Concord, in the county of Merrimack and State of New Hampshire, in the place of Warren Clark, removed.

William B. Singleton, to be postmaster at Tom's River, in the county of Ocean and State of New Jersey, in the place of Augustus W. Irons, whose commission expired January 12, 1890, Mr. Singleton having been nominated and confirmed as William R. Singleton.

Briggs T. Hinckley, to be postmaster at Camden, in the county of Oneida and State of New York, in the place of James P. Owen, whose commission expires May 18, 1890.

Charles H. Rowe, to be postmaster at Dansville, in the county of Livingston and State of New York, in the place of Albert Sweet, resigned.

David M. Jones, to be postmaster at Napoleon, in the county of Henry and State of Ohio, in the place of Samuel C. Haag, whose commission expires May 5, 1890.

William L. Yarrington, to be postmaster at Carbondale, in the county of Lackawanna and State of Pennsylvania, in the place of Joseph Powderly, whose commission expired March 29, 1890.

Theodore Miller, to be postmaster at Cherokee, in the county of Cherokee and State of Texas; the appointment of a postmaster for the said office having by law become vested in the President on and after April 1, 1890, and the postmaster having resigned.

Hugo E. Smith, to be postmaster at McKinney, in the county of Collin and State of Texas, in the place of W. T. Cox, removed.

Vernon J. Tiebout, to be postmaster at Ennis, in the county of Ellis and State of Texas, in the place of William H. Allen, resigned.

Austin W. Fuller, to be postmaster at St. Albans, in the county of Franklin and State of Vermont, in the place of George T. Mooney, deceased.

August Siefert, to be postmaster at Reedsburgh, in the county of Sauk and State of Wisconsin, in the place of Henry C. Hunt, whose commission expired April 6, 1890.

Eli L. Urquhart, to be postmaster at Medford, in the county of Taylor and State of Wisconsin, in the place of Michael W. Ryan, whose commission expired April 6, 1890.

WITHDRAWAL.

Executive nomination withdrawn by the President May 1, 1890.

Edwin G. Waite, of Alameda, Cal., to be register of the land office at San Francisco, Cal.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 1, 1890.

POSTMASTERS.

Jehiel T. Day, to be postmaster at Gallatin, Daviess County, Missouri.

Henry Robinson, to be postmaster at Concord, Merrimack County, New Hampshire.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 1, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. In the absence of objection, the Journal as read will be approved.

Mr. SPRINGER. Mr. Speaker, I do not object to the approval of the Journal; but there is a mistake in the Journal which I desire to have corrected. I ask the Clerk to read that portion of the Journal again in relation to the proposed withdrawal of the amendment of the gentleman from New York [Mr. TURNER].

The Clerk read as follows:

Mr. SPRINGER made the point of order that the said amendment submitted by Mr. TURNER had been withdrawn.

The Speaker overruled the point of order on the ground that, the previous question having been ordered, the amendment could not be withdrawn without unanimous consent, which had not been granted.

Mr. SPRINGER. Right there let me state that the point of order was made before the hour of 4 o'clock, at which time the previous question was ordered, had arrived. The point I made was that the amendment had not been withdrawn at the time the previous question was ordered. The Journal, therefore, should show that the Speaker held it to be a question of recognition, and that he had recognized the gentleman from Iowa to renew the amendment.

The SPEAKER. The ruling of the Chair was simply that the amendment was still pending.

Mr. SPRINGER. I did not ask to have it withdrawn. The Chair did not state that it was too late then to make the point of order, because the point had been made before the previous question was ordered. The RECORD shows that the point was made before the hour of 4 o'clock had arrived.

The SPEAKER. The Chair will examine the matter to which the gentleman refers and see what verbal change is necessary, if any, to conform the Journal to the facts as they occurred.

Mr. KERR, of Iowa. I made the statement, Mr. Speaker, which does not appear, that I would renew the amendment if it was withdrawn.

The SPEAKER. The position the Chair took in regard to the matter was this: The gentleman from New York [Mr. TURNER] had submitted an amendment, and subsequently an amendment to that amendment was proposed. The gentleman from New York desired to withdraw the amendment, and the gentleman from Iowa [Mr. KERR] gave notice that he would renew it.

Mr. SPRINGER. That was done before the time for ordering the previous question.

The SPEAKER. But the previous question had been ordered by the resolution, though the statement was made before the hour arrived when the previous question was to operate under the rule.

The ground the Chair took upon the subject was this: A number of gentleman had proposed to make this particular amendment to the bill. From among them the Chair recognized the gentleman from New York to submit the amendment. If the gentleman chose to withdraw the amendment, the Chair was at liberty to recognize some other member to renew it; but if the doctrine suggested by the gentleman from Illinois should prevail the parliamentary result would be this: That a member could make an amendment and hold his position until it suited him to withdraw it while some one else had the floor to enable that somebody else to offer a different amendment, thereby changing the power of recognition from the Chair to the member who made the motion with the intention of withdrawing it.

Mr. SPRINGER. But that does not appear in the Journal.

The SPEAKER. The Chair will examine the matter and try to have it arranged so as to fully state the case. The Chair had not seen the Journal before it was submitted to the House and did not notice when it was read.

The Journal was approved.

PERSONAL EXPLANATION.

Mr. KERR, of Pennsylvania. Mr. Speaker, on page 4189 of the RECORD of yesterday I am announced as having been paired with the gentleman from Pennsylvania [Mr. McCORMICK]. That is true; that pair was upon political questions. I think on the pension bill which was before the House and considered on yesterday, in justice to Mr. McCORMICK as well as to myself, it is proper to state that if present he would have voted "ay," and I desire also to announce that if permitted to vote I would have voted in the affirmative.

JAMES W. HARVEY, ASSIGNEE OF JOSEPH PARKINS.

Mr. HOUK. I ask unanimous consent for the present consideration of the bill (S. 555) for the relief of James W. Harvey, as assignee of Joseph Parkins.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read at length for information.

Mr. BRECKINRIDGE, of Kentucky. Is that a private bill?

Mr. HOUK. Yes, sir; it is. It has unanimously passed the Senate, is unanimously reported from the committee of the House, and is on the Private Calendar.

Mr. BRECKINRIDGE, of Kentucky. I object. Friday is set apart for the consideration of bills on the Private Calendar.

Mr. HOUK. I have never objected to a bill of this kind being considered.

Mr. BRECKINRIDGE, of Kentucky. I have no objection to the bill, and if we can have Friday for the consideration of private bills we will pass bills on the Private Calendar.

Mr. HOUK. That settles it. There will be no more passed on that side. I have never objected to any private bill being considered.

JOHN HOLLINS M'BLAIR.

Mr. SPINOLA. I ask unanimous consent for the present consideration of the bill (S. 1074) for the relief of John Hollins McBlair.

The bill was read at length for information.

Mr. KILGORE. I demand the regular order.

The SPEAKER. The gentleman from Texas demands the regular order, which is equivalent to an objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAINES, until Thursday next.

To Mr. BANKHEAD, indefinitely, on account of important business.

To Mr. ALLEN, of Mississippi, for ten days.

To Mr. FEATHERSTON, for to-day.

ORDER OF BUSINESS.

Mr. MCKINLEY. I am instructed by the Committee on Rules to make the following report.

The Clerk read as follows:

The Committee on Rules, to which was referred sundry resolutions relating to bills before the Judiciary Committee, respectfully report the following resolution as a substitute, and recommend that it do pass:

Resolved, That immediately after the passage of this resolution the House proceed to consider, in the order named, Senate bill No. 1, relating to trusts; House bill 6941, relating to copyrights, and House bill 3516, relating to bankruptcy, and then such other bills as the Judiciary Committee may call up, to continue until the close of the session of Friday.

Mr. MCKINLEY. On that I demand the previous question.

Mr. CARLISLE. Before doing that I hope the gentleman from Ohio will yield to me for a short statement.

Mr. MCKINLEY. I yield to the gentleman from Kentucky.

Mr. CARLISLE. While I have not agreed to this report, I desire to say that it is less objectionable than the one which was reported yesterday, because these bills are not taken out of the Committee of the Whole on the state of the Union, but are already pending in the House, and therefore the same opportunity is allowed members to debate them as if they were to be taken up in the regular way under the rules. The time for the consideration of each bill is left with the House.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Does this resolution do away with private-bill day if passed?

Mr. MCKINLEY. If the gentleman had listened to the reading of the resolution he would have observed that it provides to-day and tomorrow for the consideration of bills from the Committee on the Judiciary.

Mr. RICHARDSON. I would suggest to the gentleman from Tennessee [Mr. HOUK] that he will never get his bill through unless they give us Friday for the consideration of bills on the Private Calendar.

The question was taken on ordering the previous question, and the Speaker announced that the "ayes" seemed to have it.

Mr. MCCREARY. I ask for a division.

Mr. SPRINGER. Will it be in order to move to amend this resolution?

The SPEAKER. It is not in order. This is a motion for the previous question.

Mr. HOOKER. I hope the resolution will be again read.

The SPEAKER. The Chair understands the gentleman has withdrawn his demand for a division.

Mr. MCCREARY. Mr. Speaker, I demanded a division and have not withdrawn it.

Mr. HOOKER. Pending that I ask that the resolution be read.

Mr. MCKINLEY. Mr. Speaker, I hope that the resolution will be again read, as some gentlemen did not hear it.

The SPEAKER. If there be no objection, the resolution will again be reported.

There was no objection, and the resolution was again reported.

Mr. BLAND. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BLAND. Is it not competent to demand a division of these bills? I have no objection to the consideration of the trust bill, but I have to the other bills. This is making a good bill pull bad bills through.

The SPEAKER. In response to the inquiry of the gentleman from Missouri the Chair will state that it is not susceptible of division. The gentleman from Kentucky demands a division on the motion for ordering the previous question.

Mr. PETERS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PETERS. Does that take in the Friday evening session for the consideration of pension bills? The language of the resolution is "to the close of Friday's session."

The SPEAKER. It means the usual daily session, and does not include the evening session, which is fixed by a rule of the House.

The question was taken on ordering the previous question; and there were—ayes 110, noes 72.

Mr. HOLMAN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 152, nays 72, not voting 103; as follows:

YEAS—152.

Adams,	Cutcheon,	Laws,	Reyburn,
Alderson,	Darlington,	Lehbach,	Rockwell,
Allen, Mich.	De Lano,	Lind,	Rowell,
Anderson, Kans.	Dingley,	Lodge,	Rusk,
Andrew,	Dockery,	Martin, Ind.	Russell,
Arnold,	Dolliver,	Mason,	Sayers,
Atkinson, Pa.	Dunnell,	McAdoo,	Scranton,
Baker,	Ellis,	McKinley,	Seull,
Banks,	Enloe,	Miles,	Sherman,
Bartine,	Evans,	Milliken,	Shively,
Bayne,	Ewart,	Moore, N. H.	Simonds,
Belden,	Farquhar,	Moore, Tex.	Smith, Ill.
Belknap,	Fitch,	Morey,	Smith, W. Va.
Bingham,	Fithian,	Morrill,	Snider,
Boothman,	Flick,	Morrow,	Spinola,
Boutelle,	Flower,	Morse,	Spooner,
Brewer,	Frank,	Mitchler,	Stephenson,
Brosius,	Funston,	Niedringhaus,	Stewart, Ga.
Browne, Va.	Gear,	Norton,	Stewart, Tex.
Buchanan, N. J.	Gest,	Nute,	Stivers,
Burrows,	Greenhalge,	O'Donnell,	Taylor, E. B.
Burton,	Hare,	O'Neill, Ind.	Taylor, Ill.
Butterworth,	Harner,	O'Neill, Mass.	Taylor, Tenn.
Bynum,	Haugen,	O'Neill, Pa.	Townsend, Colo.
Caldwell,	Henderson, Ill.	Osborne,	Vandever,
Cannon,	Henderson, Iowa	Parrett,	Van Schaick,
Carter,	Hermann,	Payne,	Wade,
Cheadle,	Hill,	Paynter,	Walker, Mass.
Cheatham,	Hitt,	Payson,	Walker, Mo.
Chipman,	Hopkins,	Perkins,	Wallace, Mass.
Clunie,	Houk,	Peters,	Wallace, N. Y.
Comstock,	Kelley,	Pickler,	Wickham,
Conger,	Kennedy,	Pierce,	Williams, Ill.
Connell,	Kerr, Iowa	Quackenbush,	Williams, Ohio
Cooper, Ind.	Kerr, Pa.	Randall,	Wilson, Ky.
Craig,	Ketcham,	Ray,	Wilson, Wash.
Culbertson, Tex.	Kinsey,	Reed, Iowa	Wilson, W. Va.
Culbertson, Pa.	Laidlaw,	Reilly,	Yoder.

NAYS—72.

Abbott,	Clarke, Ala.	Hooker,	Richardson,
Anderson, Miss.	Clements,	Kilgore,	Robertson,
Barnes,	Coleman,	Lanham,	Seney,
Barwig,	Cowles,	Lee,	Springer,
Blanchard,	Davidson,	Lester, Ga.	Stockbridge,
Bland,	Dibble,	Lewis,	Tarsney,
Blount,	Dunphy,	Magner,	Thomas,
Boatner,	Edmunds,	Martin, Tex.	Tillman,
Breckinridge, Ky.	Elliott,	McClammy,	Tracey,
Brickner,	Forney,	McComas,	Tucker,
Brookshire,	Fowler,	McCreary,	Turner, Ga.
Brunner,	Goodnight,	McRae,	Turner, N. Y.
Buckalew,	Grimes,	Mills,	Turnpin,
Bullock,	Hatch,	Montgomery,	Venable,
Campbell,	Hayes,	Morgan,	Washington,
Candler, Ga.	Haynes,	Owens, Ohio	Wheeler, Ala.
Carlisle,	Henderson, N. C.	Pennington,	Wike,
Caruth,	Holman,	Perry,	Willcox.

NOT VOTING—103.

Allen, Miss.	Crisp,	Lester, Va.	Sawyer,
Atkinson, W. Va.	Cummings,	Maish,	Skinner,
Bankhead,	Dalzell,	Mansur,	Smyser,
Beckwith,	Dargan,	McCarthy,	Stahlnecker,
Bergen,	De Haven,	McClellan,	Stewart, Vt.
Biggs,	Dorsey,	McCord,	Stockdale,
Bliss,	Featherston,	McCormick,	Stone, Ky.
Bowden,	Finley,	McKenna,	Stone, Mo.
Breckinridge, Ark.	Flood,	McMillin,	Struble,
Brower,	Forman,	Moffitt,	Stump,
Brown, J. B.	Geissenhainer,	Mudd,	Sweeney,
Browne, T. M.	Gibson,	Oates,	Taylor, J. D.
Buchanan, Va.	Gifford,	O'Ferrall,	Thompson,
Bunn,	Grosvenor,	Outhwaite,	Townsend, Pa.
Candler, Mass.	Groat,	Owen, Ind.	Turner, Kans.
Carlton,	Hall,	Peel,	Waddill,
Caswell,	Hansbrough,	Phelan,	Watson,
Catchings,	Heard,	Post,	Wheeler, Mich.
Clancy,	Hemphill,	Price,	Whiting,
Clark, Wis.	Herbert,	Pugsley,	Whitthorne,
Cobb,	Knapp,	Quinn,	Wiley,
Cogswell,	Lacey,	Raines,	Wilkinson,
Cooper, Ohio	La Follette,	Rife,	Wilson, Mo.
Cothran,	Lane,	Rogers,	Wright,
Covert,	Lansing,	Rowland,	Yardley.
Crain,	Lawler,	Sanford,	

So the previous question was ordered.

The following-named members were announced as paired until further notice:

Mr. THOMAS M. BROWNE with Mr. JASON B. BROWN.
 Mr. LACEY with Mr. WILSON, of Missouri.
 Mr. GROSVENOR with Mr. CUMMINGS.
 Mr. GROUT with Mr. HEARD.
 Mr. CLARK, of Wisconsin, with Mr. CATCHINGS.
 Mr. TOWNSEND, of Pennsylvania, with Mr. BUNN.
 Mr. THOMPSON with Mr. OATES.
 Mr. DORSEY with Mr. BANKHEAD.
 Mr. STRUBLE with Mr. WILKINSON.
 Mr. GIFFORD with Mr. WHITTHORNE.
 Mr. FINLEY with Mr. CANDLER, of Georgia.
 Mr. BLISS with Mr. STONE, of Missouri.
 Mr. BERGEN with Mr. BRECKINRIDGE, of Arkansas.
 Mr. KNAPP with Mr. MCCARTHY.
 Mr. WHEELER, of Michigan, with Mr. PHELAN.

Mr. COOPER, of Ohio, with Mr. MAISH.

Mr. WRIGHT with Mr. ROWLAND.

Mr. MOFFITT with Mr. LAWLER.

Mr. CASWELL with Mr. LANE.

Mr. JOSEPH D. TAYLOR with Mr. ALLEN, of Mississippi.

Mr. McKENNA with Mr. WHITING.

Mr. MCCORMICK and Mr. KERR, of Pennsylvania, were announced as paired until further notice, except on the bankrupt bill and the silver bill.

Mr. BOWDEN and Mr. LESTER, of Virginia, were announced as paired until further notice, except on the river and harbor bill.

Mr. DE HAVEN and Mr. HERBERT, until further notice, until the end of next week.

Mr. HALL and Mr. SKINNER, until further notice, with right of substitution.

The following were announced as paired until further notice, except on the silver bill:

Mr. CANDLER, of Massachusetts, with Mr. McMILLIN.

Mr. SWENEY with Mr. MANSUR.

The following were announced as paired on this vote:

Mr. BECKWITH with Mr. GEISSENHAINER.

Mr. POST with Mr. OUTHWAITE.

The following were announced as paired for this day:

Mr. FEATHERSTON with Mr. O'FERRALL.

Mr. WATSON with Mr. CRAIN.

Mr. RAINES with Mr. DARGAN.

Mr. McCORD with Mr. STOCKDALE.

Pending the roll-call the following proceedings took place:

Mr. COBB. Mr. Speaker, I desire to vote. I was called out necessarily during the roll-call. If I had been present, I would have voted "no," and I would like now to have my vote recorded.

The SPEAKER. The Chair can not entertain the gentleman's request.

Mr. CLEMENTS. Mr. Speaker, I desire to vote. I was present during the second call, but did not hear my name called.

The SPEAKER. Was the gentleman listening?

Mr. CLEMENTS. I was trying to listen. [Laughter.]

The SPEAKER. But was the gentleman listening?

Mr. CLEMENTS. I was.

The SPEAKER. The gentleman's name will be called.

The name of Mr. CLEMENTS was called and his vote recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is upon the adoption of the resolution.

Mr. MCCREARY. Mr. Speaker, I desire to make a point of order. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER. There has been debate.

Mr. MCCREARY. The point I make is that there has been no debate on this proposition, as I understand it. The gentleman from Ohio [Mr. McKINLEY] presented his resolution; an explanation was made by the gentleman from Kentucky [Mr. CARLISLE]—an explanation only; there was no debate. Subsequently a vote was taken; I demanded a division; there was a division, and the gentleman from Indiana [Mr. HOLMAN] then demanded the yeas and nays. I do not think there has been any debate, and what I desire in raising this point of order is to have debate. If we spend two months and a half on rules and finally obtain rules, it seems to me that we ought to go according to the rules; but it has been manifest here for the last two days that we are not governed by the rules of the House, and I protest against it.

The SPEAKER. One moment. The gentleman is debating while the point of order is mooted.

Mr. MCCREARY. I was merely giving my reasons for raising the point of order. If the Chair prefers to rule now—

The SPEAKER. The gentleman from Kentucky knows, none in the House better than he, what is competent to be said under the circumstances.

Mr. MCCREARY. If the Chair rules now, I will give my reason hereafter for raising the point of order.

The SPEAKER. The Chair overrules the point of order. The question is on the motion of the gentleman from Ohio [Mr. McKINLEY], on which the previous question has been ordered.

Mr. McMILLIN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. Is it in order to now move to recommit this report with instructions to the Committee on Rules?

The SPEAKER. It is in order.

Mr. McMILLIN. Then I move to recommit the report to the Committee on Rules, with instructions to report a resolution fixing a day for the consideration of the trust bill by itself and providing for its immediate consideration.

The SPEAKER. The gentleman from Tennessee moves to recommend the resolution to the Committee on Rules with instructions to report a resolution fixing a day for the consideration of the trust bill alone.

The question was taken on the motion of Mr. McMILLIN; and the Speaker declared that the yeas seemed to have it.

Mr. BLAND. I call for a division.

The House divided; and there were—yeas 79, noes 99.

Mr. BLAND. Let us have the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 126, not voting 104; as follows:

YEAS—97.

Abbott,	Davidson,	Lewis,	Rogers,
Alderson,	Dockery,	Magner,	Sayers,
Anderson, Miss.	Edmunds,	Martin, Ind.	Seney,
Barnes,	Elliott,	Martin, Tex.	Shively,
Barwig,	Ellis,	McClammy,	Springer,
Biggs,	Enloe,	McClellan,	Stewart, Ga.
Blanchard,	Fithian,	McCreary,	Stewart, Tex.
Bland,	Forman,	McRae,	Stockdale,
Blount,	Forney,	Mills,	Stone, Ky.
Brickner,	Fowler,	Montgomery,	Tarsney,
Brookshire,	Geissenhainer,	Moore, Tex.	Tillman,
Brunner,	Gibson,	Morgan,	Tucker,
Buchanan, Va.	Goodnight,	Mutchler,	Turner, Ga.
Buckalew,	Grimes,	Norton,	Turner, N. Y.
Bullock,	Hatch,	O'Neill, Ind.	Venable,
Campbell,	Hayes,	Owens, Ohio	Walker, Mo.
Caruth,	Haynes,	Parrett,	Washington,
Chipman,	Hemphill,	Paynter,	Wheeler, Ala.
Clancy,	Henderson, N. C.	Pennington,	Wilke,
Clarke, Ala.	Holman,	Perry,	Willcox,
Clements,	Hooker,	Pierce,	Williams, Ill.
Cobb,	Kerr, Pa.	Price,	Yoder.
Cowles,	Kilgore,	Reilly,	
Crisp,	Lanham,	Richardson,	
Dargan,	Lester, Ga.	Robertson,	

NAYS—126.

Allen, Mich.	Culbertson, Tex.	Laws,	Russell,
Anderson, Kans.	Culbertson, Pa.	Lehbach,	Scranton,
Andrew,	Cutcheon,	Lind,	Seull,
Arnold,	Darlington,	Lodge,	Sherman,
Atkinson, Pa.	Dingley,	Mason,	Simonds,
Atkinson, W. Va.	Dolliver,	McAdoo,	Smith, Ill.
Baker,	Dunnell,	McCord,	Smith, W. Va.
Banks,	Evans,	McKinley,	Snider,
Bartine,	Ewart,	Miles,	Spooner,
Bayne,	Farquhar,	Milliken,	Stahlnecker,
Belden,	Fitch,	Moore, N. H.	Stivers,
Belknap,	Flick,	Morrill,	Stockbridge,
Boothman,	Frank,	Morrow,	Taylor, E. B.
Boutelle,	Gear,	Morse,	Taylor, Ill.
Breckinridge, Ky.	Gest,	Niedringhaus,	Taylor, Tenn.
Brewer,	Greenhalge,	Nate,	Thomas,
Brosius,	Hansbrough,	O'Neill, Mass.	Townsend, Colo.
Buchanan, N. J.	Haugen,	O'Neill, Pa.	Tracey,
Burrows,	Herrmann, Ill.	Osborne,	Turner, Kans.
Burton,	Hill,	Payne,	Vandever,
Caldwell,	Hitt,	Payson,	Van Schaick,
Cannon,	Hopkins,	Pickler,	Walker, Mass.
Carter,	Houk,	Peters,	Wallace, Mass.
Cheadle,	Kelley,	Pickler,	Wallace, N. Y.
Cheatham,	Kennedy,	Quackenbush,	Wickham,
Cogswell,	Kerr, Iowa	Randall,	Williams, Ohio
Coleman,	Ketcham,	Ray,	Wilson, Ky.
Comstock,	Kinsey,	Reed, Iowa	Wilson, Wash.
Conger,	La Follette,	Reyburn,	Wilson, W. Va.
Connell,	Laidlaw,	Rockwell,	Yardley.
Covert,	Lansing,	Rusk,	
Craig,			

NOT VOTING—104.

Adams,	Cooper, Ohio	Lane,	Rowland,
Allen, Miss.	Cothran,	Lawler,	Sanford,
Bankhead,	Crain,	Lee,	Sawyer,
Beckwith,	Cummings,	Lester, Va.	Skinner,
Bergen,	Dalzell,	Maish,	Smyser,
Bingham,	De Haven,	Mansur,	Spinola,
Bliss,	De Lano,	McCarthy,	Stephenson,
Boatner,	Dibble,	McComas,	Stewart, Vt.
Bowden,	Dorsey,	McCormick,	Stewart, Mo.
Breckinridge, Ark.	Dunphy,	McKenna,	Struble,
Brower,	Featherston,	McMillin,	Stump,
Brown, J. B.	Finley,	Moffitt,	Sweeney,
Browne, T. M.	Flood,	Morey,	Taylor, J. D.
Browne, Va.	Flower,	Mudd,	Thompson,
Bunn,	Funston,	Oates,	Townsend, Pa.
Butterworth,	Gifford,	O'Donnell,	Turpin,
Bynum,	Grosvenor,	O'Ferrall,	Waddill,
Candler, Ga.	Grout,	Outhwaite,	Wade,
Candler, Mass.	Hall,	Owen, Ind.	Watson,
Carlisle,	Hare,	Peel,	Wheeler, Mich.
Carlton,	Harmer,	Phelan,	Whiting,
Caswell,	Heard,	Post,	Whitthorne,
Catchings,	Henderson, Iowa	Pugsley,	Wiley,
Clark, Wis.	Herbert,	Quinn,	Wilkinson,
Clunie,	Knapp,	Raines,	Wilson, Mo.
Cooper, Ind.	Lacey,	Rife,	Wright.

So the motion to recommit with instructions was rejected.

The following additional pairs were announced:

Mr. DALZELL with Mr. STUMP, until further notice.

Mr. BROWNE, of Virginia, with Mr. LEE, for the rest of this day.

Mr. PUGSLEY with Mr. QUINN, on this vote.

On motion of Mr. ALLEN, of Michigan, by unanimous consent, the recapitulation of the names was dispensed with.

The result of the vote was announced as above stated.

The question then recurring on the adoption of the resolution reported from the Committee on Rules, it was adopted.

Mr. McKINLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRUSTS, ETC.

The SPEAKER *pro tempore* (Mr. PAYSON). The Chair recognizes the chairman of the Judiciary Committee, the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. EZRA B. TAYLOR. I yield to my colleague on the committee, the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON, of Texas. In accordance with the order of the House, I call up for consideration the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies.

The Clerk was proceeding to read the bill, when

Mr. MCCREARY said: Mr. Speaker, it is impossible for us to get copies of this bill or of the report. I ask the Speaker to direct that the bill be read.

The SPEAKER *pro tempore*. The Clerk is proceeding to read the bill for the information of the House.

The bill was read, as follows:

Be it enacted, etc., Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Sec. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Sec. 3. Every contract, combination in form of trust or otherwise, or conspiracy in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Sec. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

Sec. 5. Whenever it shall appear to the court before which any proceeding under section 4 of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

Sec. 6. Any property owned under any contract or by any combination or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported in the United States contrary to law.

Sec. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

Sec. 8. That the word "person" or "persons" wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Mr. CULBERSON, of Texas, took the floor.

Mr. BLAND. I ask the gentleman to yield for an amendment or to allow it to be read for information.

Mr. CULBERSON, of Texas. I can not yield now; there are a dozen gentlemen making similar requests.

Mr. BLAND. Mr. Speaker, I rise to a parliamentary inquiry. When will it be in order to move amendments to this bill?

The SPEAKER *pro tempore*. The bill is now before the House for consideration under the rules, and amendments will be in order from any gentleman whenever he has the floor.

Mr. CULBERSON, of Texas. Mr. Speaker, in view of the pressure upon the Judiciary Committee for time in respect to the three bills named in the order, I would like to have some intimation from the House as to about how much time may be necessary upon the bill now called up. It is supposed that it should consume far less time than either of the other bills named in the order. I do not expect to occupy more than a very little time myself. I am willing to hold the floor for an hour, dealing out time for five-minute speeches, with leave to ex-

tend the remarks of those who speak, and with leave on the part of those who may not speak to print in the Record whatever they may see proper; and then the previous question might be called at the end of an hour.

Several MEMBERS. Oh, no.

Mr. SAYERS. Is there to be no opportunity for amendments?

Mr. BLAND. I hope we shall not pursue the course suggested by the gentleman from Texas [Mr. CULBERSON]. This is a very important bill, and certainly the country would not regard it as fair to rush through a measure like this without opportunity for amendment and without proper debate. The bill is one in which the whole country is interested, and we ought to have the opportunity to debate and amend it. I do not believe that rushing a bill of this importance through in the way indicated will meet the approbation of the country. The bill is not worth a copper in its present shape without amendment, and we want an opportunity to make something out of it.

Mr. BUTTERWORTH. I suggest to the honorable gentleman in charge of the bill that the question as to the time that may be required might be determined after he has explained the scope and range of the bill. Of course the Judiciary Committee in considering the measure have discussed its scope and range, and whether it will reach many of the evils complained of and known to exist. The gentleman can clear the atmosphere, I think, if he will make his explanation now.

Mr. CULBERSON, of Texas. I observe, Mr. Speaker, that there is no opportunity now to fix a limit upon this debate; and therefore I shall proceed to give some explanation of the bill before the House.

This is a Senate measure which has been reported from the Judiciary Committee of the House without any amendment. Its passage has been recommended by that committee without opposition, as perhaps the only legislation on this subject that we can secure under the circumstances at this session of Congress. This legislation occupies a new field, and as the Constitution has wisely left with the several States of this Union the right to local self-government, the legislative field of Congress with reference to questions of this character, except in a few instances where power has been granted to the Federal or General Government, is extremely limited.

There is no attempt to exercise any doubtful authority on this subject, but the bill is confined strictly and alone to subjects over which, confessedly, there is no question about the legislative power of Congress, and as my time will not permit a discussion of the general subject of trusts I will confine what I have to say to the measure before the House.

I call attention to the first section of the bill. It provides that "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal."

Now, it will be observed, Mr. Speaker, that this is a very important principle embodied in the very outset of the bill, and may be stated in this way: Every contract made in restraint of trade between the States, or among the States, or with foreign nations, and every combination in the form of a trust or otherwise, or every conspiracy in restraint of trade or commerce among the several States or with foreign nations, is denounced as illegal.

Now, just what contracts, what combinations in the form of trusts, or what conspiracies will be in restraint of the trade or commerce mentioned in the bill will not be known until the courts have construed and interpreted this provision.

Mr. MORSE. Will the gentleman permit a question right there?

Mr. CULBERSON, of Texas. I would rather make this statement first.

Mr. MORSE. I would like to ask the gentleman from Texas, who I suppose understands the bill—

Mr. CULBERSON, of Texas. I have some opinion of the scope of the bill.

Mr. MORSE. And for the information of the House and the country, to explain what will be the bearing of the bill upon the manufacturers of proprietary articles, who fix a price upon their own goods.

Mr. CULBERSON, of Texas. I will try to do so.

I wish to be understood, Mr. Speaker, as having stated in the outset that I do not know, nor can any man know, just what contracts will be embraced by this section of the bill until the courts determine. But the gentleman from Massachusetts asks a question which I will endeavor to answer.

If you will allow me, I will illustrate by the business in which you are engaged.

Mr. MORSE. Oh, no; leave that out. [Laughter.]

Mr. CULBERSON, of Texas. Very well; I will suppose, Mr. Speaker, that there is a corporation in Massachusetts manufacturing a polish called the "Rising Glory," for instance. They sell to their patrons in Texas this product at what they call a bottom price, provided the dealer with the firm in question will sign a written agreement that he will not sell the product below a given price. If he signs such contract they allow him 5 per cent. profit on the sales, and besides the 5 per cent. profit they allow him a drawback in the shape of a percentage, the amount of which I do not need to specify. That may vary.

Now, I take it, with all due deference to what the Supreme Court

may ultimately decide, that that is a contract in restraint of trade within the meaning of the bill. In other words, this firm sells this product to a purchaser, who refuses to give this written obligation, not at the bottom, but at a far different and higher price, reserving the lower rate for the person who may agree to the private terms they impose.

The object of this peculiar contract is to force every dealer in the country who deals in that particular product to purchase from them, and if he does not, or if he does not conform to the price they choose to fix upon the commodity, they will make him pay more than if he was a regular customer, and more than another man who enters into the contract or private agreement with the manufacturers. That is in restraint of free and liberal trade, as I take it, and tends to destroy competition. The customers of the manufacturer are not allowed to sell at a lower rate than that fixed by the manufacturer—I do not, of course, allude to the occupation of the gentleman, for I do not know whether I strike it or not in the illustration—but goods shipped from one State to another under such contracts would be liable to forfeiture under the provisions of this bill.

Mr. BUTTERWORTH. Will the gentleman permit me to interrupt him for a moment? I understand, if the honorable gentleman from Massachusetts—carrying out the illustration of the gentleman from Texas—should fix the price at which his customers should sell the article he produces, not a natural product, but his article, and sell it as his agents, agreeing to pay forfeit if they sell for less than the price fixed—do I understand my friend from Texas to say that that is a contract in the terms of this bill and in his opinion in restraint of trade?

Mr. CULBERSON, of Texas. Taking it in connection with the other conditions, if he sells to parties at a different price—

Mr. BUTTERWORTH. No; let me make the point clear. I understood the gentleman to put the case of his selling his manufactured product, whatever it is, to Brown, Smith & Co., of Galveston, Tex., and has a written contract with them that they shall not sell below the schedule price, which he fixes—

Mr. ANDERSON, of Kansas. But they are not his agents.

Mr. BUTTERWORTH. But I am putting the case of his agents, contracting not to sell below the schedule price, and if they do they are to forfeit something, \$10 or \$25, whatever you please. Would that be a contract in restraint of trade under the provisions of this bill?

Mr. CULBERSON, of Texas. Perhaps not.

Mr. BURROWS. Before the gentleman proceeds, in illustration—

Mr. CULBERSON, of Texas. Just let me make this statement first.

Mr. BURROWS. If the gentleman from Texas has a case in mind that would be covered by the first section of the bill I would be glad to know it.

Mr. CULBERSON. Yes; there are cases.

Mr. BURROWS. I would like to have the gentleman cite one of them as an illustration.

Mr. CULBERSON, of Texas. Well, I will take the Standard Oil Company, for instance.

Mr. BOATNER. Just there let me ask, does this bill propose to affect existing combinations?

Mr. CULBERSON, of Texas. Yes, sir.

Now, I take it the Standard Oil Company manufactures its product in Ohio and sells it in another State.

Mr. BURROWS. Let us have an illustration.

Mr. CULBERSON, of Texas. I was about to say that the Standard Oil Company, as I understand the operations of that concern, sell their oil in different States under special contract. They make a contract with the merchant to whom they sell their goods obligating the merchant not to sell at below a certain price, and they give full power and authority to the merchant if any competing oil is offered for sale in the neighborhood to drive it out of the trade by underselling it.

Now, I understand such contracts to be directly in restraint of trade and commerce. This corporation exercises its power and its wealth with a view of driving out of competition every other oil in that locality in which they sell their own products. Such contracts not only tend to restrain trade, but by destroying competition they secure for the corporation a monopoly, in part, of interstate trade, which is made an offense under this bill.

Mr. HATCH. Mr. Speaker, I rise to a point of order. We can not hear what the gentleman is saying and we desire to hear the debate. There are not sufficient seats for all members right around him.

The SPEAKER *pro tempore*. The House will be in order and gentlemen in the aisles will take their seats.

Mr. CULBERSON, of Texas. Mr. Speaker, the remarks which I have made in respect to the Standard Oil Company apply to the celebrated dressed-beef combine. These are some of the cases, Mr. Speaker, which I think fall within the operation of the bill. If I am not mistaken in this and this measure should become the law, the people will be protected from the merciless extortion made possible by such contracts.

It is certainly within the power of Congress to regulate trade between the States, and it is certainly the duty of Congress to protect this trade from such restraints as tend to foster monopoly and promote extortion. The third section of the bill provides "that all such contracts, such

combinations, such conspiracies in restraint of trade or commerce within the Territories, or within the District of Columbia, or between a Territory and another Territory, or between a State and a Territory, or between a State and the District of Columbia, or between the District of Columbia and a foreign nation, or between the Territories and foreign nations" shall be unlawful, and severe penalties are provided for all violations of the provisions of the act.

It will be observed that this is a sphere in which Congress has absolute dominion and control. It has full and unlimited authority to legislate in respect of trade within a Territory or within the District of Columbia, and between a Territory and a State, or a State and a Territory, or a Territory and the District of Columbia, and also between them and foreign nations.

It is provided by the bill that any person who shall monopolize or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor. This is a very important and far-reaching provision. I will read to the House what appears to be Webster's definition of a monopoly:

To engross, to obtain by any means exclusive right of trade to any place or within any country or district, as to monopolize the trade.

That is the definition of monopoly as given by Webster. Every person, therefore, who shall attempt to monopolize, to engross, or to obtain by any means exclusive control of interstate trade to any place or within any country or district will be guilty of a misdemeanor under the provisions of the bill. I need only say that there are many cases within our observation in which combinations have succeeded in monopolizing, in part at least, trade between localities in different States. It is to be hoped that if this measure becomes a law an end may be put to such practices and the people relieved of extortion which the destruction of competition always produces.

Mr. BUTTERWORTH. Now, before the gentleman leaves that point, if my friend will indulge me, I want to ask him a question or two which are pertinent, because they are presenting themselves to the minds of men engaged in considering the question. Now, the case of the Standard Oil Company put by my friend: He says that if that company shall consign oil, for instance, from Ohio to a consignee in Texas, and fix the price at which that consignee or purchaser may sell, and authorizes him also in case of competition to drive out that competition by underselling his competitor, would that come under the terms of this bill?

Mr. CULBERSON, of Texas. I believe it would.

Mr. BUTTERWORTH. Yes. Now, suppose, however, they stop there in that, and simply fix the price at which every consignee may sell. For instance, they say, "We will sell you this oil, but we want it understood or agreed that it shall not be sold at less than 10 cents a gallon." Now, suppose we take a step further and say that they shall sell or deal only in the output of this company consigned to this dealer. Would that be in restraint of the trade to sell this particular oil?

Mr. CULBERSON, of Texas. Do I understand your question covers a case of this sort, that while they make this consignment or sale and I am dealing with them as sales?

Mr. BUTTERWORTH. I mean sales, for that is what we are driving at.

Mr. CULBERSON, of Texas. I do not distinctly hear your question.

Mr. BUTTERWORTH. Well, I will take this case alone. The Standard Oil Company consigns its goods to Smith, Brown & Co., of Galveston, Tex., agreeing to sell only to those parties in that place, and fixing a schedule of prices, and stopping there. They simply say: "We want to contract with you, gentlemen, not to sell the goods you purchase of us at less than a certain rate," which rate is agreed upon. Now, would that case come within the terms of this bill?

Mr. CULBERSON, of Texas. That would be in violation of the Texas law against trusts and corporations; and—

Mr. BUTTERWORTH. But I speak of this bill. Of course I know that it is not easy to draw the line, but what is the opinion of my friend from Texas?

Mr. CULBERSON, of Texas. I am inclined to think that the Standard Oil Company can sell its product at just such prices as it pleases, but when it enters into a combination to drive out competition, by giving a sliding scale of prices, or anything of that sort, then the transaction falls within the terms of this bill.

Mr. BUTTERWORTH. But in my question I leave out the element of a sliding scale. The company fixes the selling price, but does not authorize its representatives to attempt to drive out competitors by putting prices down. It simply fixes a schedule and stops there.

Mr. CULBERSON, of Texas. I think the company might fix one price and sell to everybody in that way.

Mr. BUTTERWORTH. One question more. Suppose a "combine"—if I may use a term that is offensive to some people, and the thing is certainly offensive for what it does in this country—suppose a "combine" at Chicago should purchase beef consigned from Indiana, Kansas, and so on, and should, by the manipulation of the market there, keep the price below a certain figure, by arrangements with

agents throughout the States, paying them a commission upon all sales from that quarter whether sold to them or not, would that transaction come within this bill?

Mr. CULBERSON, of Texas. I should think it would be within the scope of the bill.

Mr. ANDERSON, of Kansas. It ought to be.

Mr. CULBERSON, of Texas. If I understand the gentleman's question I should think it would be, because I believe it would be in the nature of a restraint of commerce.

Mr. COBB. Will the gentleman permit me to ask the gentleman from Ohio [Mr. BUTTERWORTH] a question?

Mr. CULBERSON, of Texas. I can not yield for that purpose.

Now, Mr. Speaker—

Mr. BUTTERWORTH. One other question, if the gentleman will permit. Suppose a Chicago firm should consign its beef to a butcher in my town, and should afterwards, upon his insisting upon selling the meat at a lower price than they directed, establish another butcher by his side, refusing to sell any more to the first and authorizing the second to sell at a lower price until the first was driven out of the business; would that be reached by this bill?

Mr. CULBERSON, of Texas. I think so.

Mr. Speaker, I wish to call attention to the fourth section of this bill, which provides that the circuit courts of the United States are invested with jurisdiction to restrain and prevent violations of this act. I regard that as a very important provision of the bill, in this respect: Whenever it shall come to the knowledge of a district attorney that such contracts are being made or that such combinations are being formed, it shall be his duty to commence proceedings in equity in the circuit courts of the United States to restrain such violations of this act.

Under the law as it now stands a defendant is required to be sued in the district in which he lives or in which he may be found, and it was therefore objected that these combinations could never be, in all cases, reached, inasmuch as all of them might never be found in the same district. Hence the law is enlarged by this bill, so that whenever it becomes necessary in the progress of a suit to bring before the court any person, firm, or corporation engaged in such transactions with the party who is before the court, the court shall have the power to bring them in, by process issued to another State if necessary, and require them to answer the petition filed by the district attorney.

Mr. HENDERSON, of Iowa. Will the gentleman permit a question right at this point?

Mr. CULBERSON, of Texas. Yes, sir.

Mr. HENDERSON, of Iowa. Will not the district attorneys have to first apply to the Attorney-General for authority before they can take any such proceedings?

Mr. CULBERSON, of Texas. I believe they will.

Mr. HENDERSON, of Iowa. Ought not that to be corrected?

Mr. CULBERSON, of Texas. They will have to proceed under the direction of the Attorney-General.

Mr. HENDERSON, of Iowa. But is not that too cumbersome? Ought not they to have authority to proceed without waiting for instructions from the Attorney-General?

Mr. CULBERSON, of Texas. This is a very grave proceeding. It will probably involve immense litigation in the courts. The legislation contemplated is so far-reaching, affecting such large and important interests, that I do not think a district attorney in a rural district or elsewhere outside of the great commercial centers should be empowered to bring a suit to restrain these combinations unless under the direction of the Attorney-General. Gentlemen will understand that these suits must proceed in the name of the United States. It is not the custom to give district attorneys authority to bring suits in the name of the United States all over the country. It is necessary to have some head to direct this great body of litigation. Otherwise you would involve the United States in interminable costs and litigation.

Mr. HEARD. Would not the language of the bill authorize the formulation of general directions so that it would not be necessary to apply to the Attorney-General for instructions in each individual case?

Mr. CULBERSON, of Texas. I do not think that would fall within the meaning of the language employed.

Mr. HENDERSON, of Iowa. I call the gentleman's attention to that point for this reason: Cases might arise where an injunction or a restraining order ought to be obtained promptly from the court, and it might involve too much delay if, for instance, a district attorney in Texas had to write to the Attorney-General in Washington to get authority to act.

Mr. CULBERSON, of Texas. Well, in such matters we rely now upon the telegraph. I do not think the bill can be improved in that respect. It would be very unwise, in my judgment, to invest the district attorneys throughout the United States with such authority.

Mr. HENDERSON, of Iowa. I thought I would call the gentleman's attention to the point and hear what he had to say about it.

Mr. CULBERSON, of Texas. Now, Mr. Speaker, I will call the attention of the House to section 6 of the bill. I find that I am occupying so much time that I must omit mere details.

Any property owned under any contract or by any combination or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this

act, and being in the course of transportation from one State to another or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Whenever, therefore, any property owned under any contract or by any combination, or pursuant to any conspiracy in restraint of trade, is found in course of transportation—and it will be recollected the Supreme Court of the United States has decided that interstate commerce commences when the article to be shipped is delivered to the common carrier—the moment it is delivered to the common carrier for shipment it becomes the subject of interstate commerce; whenever, therefore, any property the subject of a contract, combination, or conspiracy in restraint of trade is found in a warehouse to be shipped from one State to another, or is found *in transitu*, it is liable to be forfeited to the Government of the United States as in cases of goods wrongfully imported into the country. And the manner of doing this is for the district attorney of the United States to direct the seizure of the property; it is libeled in the United States district court and sold to the highest bidder for cash.

I desire to call attention to the seventh section:

Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

I beg to call the attention of the House for a moment or two to this provision, because it is objected by some that in the construction of this bill entire and sole jurisdiction to enforce a claim for damages on the part of a person injured by any other person or corporation by reason of anything forbidden by this act is limited to the circuit courts of the United States. That is a misconception. Let me state my understanding of the existing law on this subject. Under the law as it now exists no suit can be brought, ordinarily, in the circuit court of the United States unless the *quantum* of value involved exceeds the sum of \$2,000.

Therefore, it will be seen that, unless Congress provides that these claims shall be heard in the circuit court without regard to the amount involved, any person desiring to sue in that court would be excluded if his claim was less than \$2,000.

One further matter I wish to call attention to in this relation. It is suggested, "Why may not this jurisdiction be given to the State courts? Why restrain or attempt to restrain the jurisdiction to the circuit courts of the United States only?" I submit that this bill does no such thing and does not attempt to do any such thing. Congress has no more power to invest a State court with jurisdiction than a State has to invest a United States court with jurisdiction. I am aware that in some bills passed by Congress there is permissive language declaring that suits may be brought in the State courts; but that is all surplusage and unnecessary.

I look at the matter in this way: A has a cause of action against a corporation for an act forbidden by this bill. He may sue in a State court if he wishes to do so, provided he is willing to waive the penalty named in this statute and sue for actual damages, or he may, if he chooses, go into the circuit court of the United States and sue for the actual damages sustained as well as the penalty.

If Congress had declared that the circuit court should have exclusive jurisdiction over these subjects, then as a matter of course the State courts would be deprived of any right or power under the laws of the several States to entertain jurisdiction of any case of this character. But it is simply provided that the circuit court shall have jurisdiction without regard to the amount, leaving the State courts open to every person who may desire to go into them to recover actual damages.

You will understand, Mr. Speaker, that this bill allows a punitive verdict to be rendered; that is to say, the person who sues is not restricted in the amount which may be recovered to the damages actually sustained, but may recover in addition thereto a reasonable attorney's fee (a very wise forethought on the part of the Senate) and may also recover treble damages. Now, those who insist that the State courts should take charge of this matter overlook the fact that no court can enforce a penalty except those enacted by the authority which created the court. Therefore any person having a claim under this statute, if he should go into a State court to enforce it, would be obliged to waive the tort and claim actual damages only.

Mr. FRANK. I would like to ask the gentleman a question. Does not this section confer on the Federal court jurisdiction of a suit in which the plaintiff and the defendant may both be citizens of the same State? In other words, does it not confer jurisdiction irrespective of citizenship? May not both parties be residents of the same State and the Federal court have jurisdiction irrespective of that fact?

Mr. CULBERSON, of Texas. If the gentleman will reflect a moment he will see that every cause arising under a law of Congress is cognizable in a United States court without regard to the citizenship of the parties when the amount in controversy is \$2,000; therefore citizenship cuts no figure in this case at all. The law would give a right of removal in certain cases perhaps from a State court to the Federal court.

Now, Mr. Speaker, I want to say that it is impossible, I believe, for

Congress to enact any law or devise any system of laws that will crush out absolutely trusts and combinations.

Mr. MORSE. Then why do you not let the business alone?

Mr. CULBERSON, of Texas. What I mean is this, I will state to the gentleman: If Congress will legislate within its sphere and to the limit to which it may go, and if the Legislatures of the several States will do their duty and supplement that legislation, the trusts and combinations which are devouring the substance of the people of the country may be effectually suppressed. The States are powerless unless Congress will take charge of the trade between the States and make unlawful traffic that operates in restraint of trade and which promotes and encourages monopoly. Persons, corporations, or associations should be prevented from carrying into the several States products covered by trusts. If the States will do their duty and supplement this act, the people can be relieved of the outrages inflicted upon them.

Now, it is suggested that Congress ought to go further. It is very difficult to say how it could do so. It occupies now in this bill, or attempts to occupy, the sphere allotted to it in the regulation of commerce between the States. It attempts to control and regulate the trade within the Territories and District of Columbia and between the District of Columbia and the Territories of the United States and between them and the States.

What else, then, could Congress do? There is one thing it might do. The taxing power is given to Congress for the purpose of collecting revenue with which to pay ordinary expenses of the Government only, as I understand it. Now, if Congress saw proper to omit to exercise the taxing power in the levying of import duties in respect to products manufactured abroad, the counterpart of which in the United States was the subject of these trusts—if the Congress did that, then Congress might crush out and uproot this whole business.

But no one possibly can advocate that scheme to-day for the reason that there are so many products covered and handled by these combinations and trusts in the United States that if we were to omit to exercise the power of Congress and levy an import duty upon similar products from abroad we would strip the Government of revenue and deprive it of the means of defraying expenses except by the imposition of a direct tax.

Mr. BLAND. Have we not the power to levy an income tax or to derive additional taxes, for instance, from whisky and tobacco?

Mr. CULBERSON, of Texas. Undoubtedly we might. But we could hardly expect to raise the amount that would be necessary to carry on the Government from such sources, or even to supply the deficiency in revenues which would result from placing on the free-list all products manufactured abroad the counterparts of which produced in the United States are the subjects of trusts.

I am in favor of a law which would impose a reasonable income tax. I think it was unwise and absolutely unjust to the people of the United States to relieve the wealth of the country from its just share of the burden of taxation. The income-tax law ought not to have been repealed. I would gladly aid my friend from Missouri [Mr. BLAND] in restoring it.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. CULBERSON, of Texas. Certainly.

Mr. HENDERSON, of Iowa. This is a matter in which I feel deeply interested, and I would like to be informed upon this point. I think it has been well settled by the investigation of a Congressional committee within the last year that a trust or combination of a few men in Chicago, Ill., has been able to reduce the price of Western cattle from one-third to one-half, controlling, as they do, the stock-yards, the cattle-yards, and the transportation in Chicago, and it seems at the same time they have been enabled to keep up the price of every beef-steak that is used in this country—

Mr. ROGERS. To raise the price.

Mr. HENDERSON, of Iowa. Yes; to raise the price of every beef-steak that is used in the country. Now, I want to ask the gentleman from Texas, who has carefully considered this matter in his committee whether this bill, in his judgment, reaches that difficulty or not.

Mr. CULBERSON, of Texas. I believe it will, if it is construed as we think it ought to be construed by the courts.

Mr. HENDERSON, of Iowa. Does the bill go as far as Congress has the power to go to strike at that damnable system?

Mr. CULBERSON, of Texas. That is the opinion of the committee.

Mr. HENDERSON, of Iowa. Then, I am very glad of it.

Mr. BLAND. Will the gentleman yield for an amendment?

Mr. CULBERSON. Not at this time.

I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has occupied forty-five minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the concurrent resolution of the House recalling from the President the bill (H. R. 5179) fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified.

It also announced that the Senate had passed without amendment the bill (H. R. 3962) to increase the pension of Samuel Adams.

It also announced that the Senate disagreed to the amendment of the House to the bill (S. 2714) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Illinois, asked for a conference with the House on the bill and amendment, and had appointed Mr. SPOONER, Mr. MORRILL, and Mr. VEST as conferees on the part of the Senate.

It also announced that the Senate insisted on its amendments to the bill (H. R. 3365) approving, with amendments, the funding act of Arizona, agreed to the request for a conference, and had appointed Mr. JONES of Arkansas, Mr. CULLOM, and Mr. MANDERSON as conferees on the part of the Senate.

The message further announced that the Senate had passed the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring). That the Committee on Enrolled Bills be, and is hereby, authorized and directed to strike out from the enrolled copy of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes the word "west" where it occurs on page 1, line 21, of said enrolled bill, and substitute therefor the word "east."

OKLAHOMA.

Mr. PERKINS. Mr. Speaker, if there is no objection I would like to ask unanimous consent to consider the concurrent resolution of the Senate just received. I think it would take but a moment.

Mr. CULBERSON, of Texas. Will this occupy any time?

Mr. PERKINS. I think it will not occupy more than a moment or two.

Mr. CULBERSON, of Texas. With the understanding that it will be withdrawn if it leads to debate, I will not object.

Mr. PERKINS. I will withdraw it if there is any discussion.

The SPEAKER *pro tempore*. The Clerk will read the resolution, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring). That the Committee on Enrolled Bills be, and is hereby, authorized and directed to strike out from the enrolled copy of the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes, the word "west" where it occurs on page 1, line 21, of said enrolled bill, and substitute therefor the word "east."

There being no objection, the resolution was adopted.

TRUSTS, ETC.

Mr. WILSON, of West Virginia. Mr. Speaker, I do not believe there could be a more striking illustration or a swifter condemnation of the system of rules under which this House is now operating than the consideration of the bill just brought before us. The theory of our Government is that it is a Government by public discussion, and that at least in the law-making branch of it the representatives of the people shall have ample opportunity for mature, intelligent, and full discussion of all important matters come before them for action.

We know that at best this is a vanishing theory so far as this House is concerned, and that its members have such a burden of labor put upon them that does not properly belong to the representative office that they have little time for the study and investigation of measures of the highest moment to the welfare of the country.

When we add to this the further facts that our Calendars are steadily lengthening with all manner of proposed legislation, public and private; that these thousands of bills are necessarily distributed among many committees in such a way that a member can do little more than keep abreast of the work of the committees to which he is assigned; that we legislate in this great Hall with separate desks for each member—I say, sir, taking all these things into consideration, I believe I speak within the bounds of discreet statement when I affirm that there is no legislative chamber in any of the foremost nations of the world in which there is so much blind voting as in the House of Representatives to-day.

But, sir, when these difficulties are aggravated by a system of rules so administered that no one of us can tell when he comes to the House what measure is to be brought up for the day's deliberation; when the Committee on Rules comes in here morning after morning with a resolution providing that immediately upon the adoption of the resolution the House shall take up some great public measure and proceed almost summarily to its disposal, our proceeding is rapidly becoming a travesty upon free government and we are legislating not as the representatives of the people, not even under the leadership of committees where at least both parties are heard, but under the caucus system.

Why, sir, we placed upon the statute-book a few days ago, as far as the action of this House could place it there, a bill, referred to by the gentleman from Kentucky [Mr. CARLISLE] on yesterday, completely reorganizing the Federal judiciary system below the Supreme Court and affecting the jurisdiction of that tribunal, a measure of the gravest import, affecting the rights of person and of property of every citizen of the country, after a so-called debate of one hour and five minutes only. And, sir, I believe I am justified in asserting that if the members of this House were put upon an examination to-day, more than thirty out of the three hundred and thirty could not tell what are the provisions of this most important bill.

Now, sir, here again is a bill dealing with a novel and most important question, a bill that is a new departure in Federal legislation, bristling with pains and penalties, denouncing a new class of crimes, and imposing prohibitions and penalties on many acts not now illegal and some perhaps not properly punishable. Here is a bill that may derange the course of trade among the States, that will bring doubt and uncertainty in many lines of business, both of production and distribution in the country.

It was reported by the Judiciary Committee but five days ago, and the report printed since that time has been exhausted, so that when the bill is suddenly and prematurely called up this morning members can procure copies of neither bill nor report, and we are now called upon to pass it, blindly and promptly, without deliberate discussion or any general and intelligent understanding of its provisions, simply because something must be done to meet the demand of the people for some legislation against trusts and like combinations.

Sir, its first section proposes to punish with heavy fines and imprisonment the making of certain contracts, combinations, and conspiracies, and the gentleman from Texas in charge of the bill, as able and clear-headed a lawyer as we have upon this floor, frankly informs the House that just what these "contracts, combinations, and conspiracies" will be can not be known until the courts have construed and interpreted this section.

Yet we are to consider and pass this bill after an hour or two of discussion only; a bill seriously affecting the business and prosperity of the country, and, what is more, the rights and liberties of the people. Was ever criminal law made in this fashion before? And who are to be the first victims that must be fined and sent to the penitentiary, in order that the courts may interpret and declare what are the crimes which we punish, but do not define?

I, for one, Mr. Speaker, do not believe that this bill will accomplish the purposes for which it purports to be enacted.

It was prepared, as we have already been informed, by the Judiciary Committee of the Senate, in response to a popular demand for some Congressional legislation against trusts. I think that is a just demand, and one that required at the hands of Congress careful and well considered legislation, as to the meaning and effect of which, at least, there should be no uncertainty. And, Mr. Speaker, believing this, I had intended and desired to submit some deliberate and orderly remarks upon this matter of trusts whenever such a bill was brought before the House for action.

As I had no warning that the bill would be brought up to-day, I find myself unprepared to take up its discussion as I proposed. I desire, however, even in this irregular way, to make a few observations on the subject of dealing with trusts. I was a member in the last House, as the gentleman from Kentucky [Mr. BRECKINRIDGE] requests me to state, of the Committee on Manufactures, which investigated the organization of three or four of the great trusts of the country. Now, Mr. Speaker, in order to legislate effectively against trusts, this House ought to know exactly what a trust is, its structure and mode of operation and the conditions that produce or make possible a successful trust.

In general terms, we all know that a trust is the latest and most perfect form of combination among competing producers to control the supply of their product, in order that they may dictate the terms on which they shall sell in the market and may secure release from stress of competition among themselves. From the very beginning of trade perhaps, certainly in all its known history, there have been various forms of combination, and we have long been familiar with them in this country under the name of pools, corners, combines, and the like. These have awakened the distrust and anger of the people, but never the same uneasiness and resentment as have been kindled by the so-called trusts.

If I may use an illustration that seems to me an apt and expressive one, I would say that the trust bears the same relation to all previous modes of combination in trade that the Government of the United States under the Constitution bears to the Government of the United States under the Articles of Confederation. A combination or pool is a voluntary association depending upon the good faith of the parties associating and carrying with it those elements of weakness and disintegration that necessarily belong to a voluntary association. A trust is a legal consolidation of properties, a legal concentration of control.

Historically, it grew out of the greatness and the necessities of the Standard Oil combination. When that combination in its triumphal progress found itself practically the sole producer of refined oil in this country, it had its properties in many States, vested in and controlled, as the case might be, by corporations, partnerships, and individually, and including many separate lines of business. It had its refineries, its pipe lines, its terminal facilities, its manufactures of barrels, and cans, and lamp-wicks, and other articles.

It became necessary that all these scattered properties and all these different kinds of business should be brought under some simple and effectual central control.

Accordingly the able solicitor of the Standard alliance worked out for that alliance the trust scheme of combination, which has subsequently swept over the field of American industry and has been adopted, with greater or less success, by so many other would-be monopolies.

That scheme, as first outlined, provided for the formation in each State of a single corporation to be known as the Standard Oil Company of New York, Kentucky, Ohio, or Pennsylvania, as the case might be, in which were to be vested all the property, business, and interests of the combination in that particular State. The shares of stock in these various State corporations were then to be transferred by the holders of the stock to the legal ownership of nine trustees, who in return, therefore, gave to the owners of stock in the several companies certificates of stock in the Standard Oil trust.

In this way the legal ownership and the efficient and permanent control of all the corporations were vested in the nine trustees, who held all the stock and managed them as a central directory in the interest of the entire combination. They could throw the full power of the entire combination as the interests and supremacy of the monopoly might require, whether to overawe railroad companies and secure preferential rates, to oppress producers of crude oil, or crush out a troublesome competition in any line of business. Just as we can add new States to the Union, they could add new corporations to their trust, either to extend into new fields its legitimate business to receive under a new name and in a hidden disguise the tributes or rebates of common carriers, or to strike a deadly blow at a rival, which blow might be direct or indirect, by immediate and destructive competition or by remote and unsuspected attack.

Now, sir, I have said enough, I hope, in a general way, to indicate the distinctive features of the trust as differentiating it from other and previous forms of monopolies. It was soon discovered, Mr. Speaker, that the trust scheme devised for the purposes of an existing combination offered a new and admirable scheme for forming monopolies out of existing competitors, and it spread with rapidity as soon as its form became divulged.

Now, Mr. Speaker, I shall not go into an examination or discussion of individual trusts. I have said this much only to show that the common basis of trusts is the corporation. The deed under which the sugar trust was organized required that all the refineries should first become corporations and that all subsequent applicants for admission should qualify themselves in like manner. Indeed, it may be affirmed that no permanent trust can be built on a less solid basis. Combinations very effective for some temporary purpose or within a limited area may be formed by individuals or partnership, but they will be subject to all the contingencies of death, bankruptcy, bad faith, and voluntary withdrawal.

Those which are to become a menace to the public can not be built upon a foundation so shifting. Moreover, Mr. Speaker, we all know that the individual has disappeared in the corporation, which alone offers the aggregation of means, the exemption from physical death, and the unity of control that are indispensable for the gigantic enterprises of modern production and trade.

If, therefore, the organization of a trust must have the corporation as a basis, it is clear, Mr. Speaker, that the first and most effective blow at that organization must be struck, not by Congress, but by the States.

The States, not Congress, grant the charters for these corporations. It is at once their duty, as it is easily and clearly within the sphere of their lawful power, to supervise the creatures which they bring into being, so as to prevent the franchises granted by the people being used for the oppression and detriment of the people. The courts of New York have already shown how this may be done. In the proceeding against one of the companies that went into the sugar trust, Judge Barrett held that a corporation has no authority to enter into a partnership or combination of that kind and by the mere act of doing so forfeited its charter.

I believe, Mr. Speaker, that both his decision and the reasoning by which he sustained it are sound law and that the courts of other States will adopt them. But even if Judge Barrett's decision be not adopted by the courts in other States, it may readily be made the statutory law of them all. And it deals with trusts by a remedy that calls for no doubtful exercise of power, but is in itself just and salutary.

And now, sir, what can the Federal Government do for suppressing or at least rendering harmless these new and dangerous monopolies? When it has recourse to criminal law and seeks to destroy them by pains and penalties its lawful authority is limited to interstate trade, except when legislating for the District of Columbia and the Territories. If any one supposes that such a bill as this, no matter how severe the punishment it threatens or how sweeping may be its prohibitions, will prevent such combinations as it seeks to destroy, he does not, I fear, fully understand the structure and operation of trusts. How would such a law as this reach the Standard Oil trust or materially interfere with its operations? Had not the members of that great alliance the legal right to vest the various properties and businesses they already had in the nine trustees?

The trustees of the sugar trust when put upon the witness stand denied that they exercised any functions except receiving profits and distributing dividends. They denied all privacy with contracts, combinations, or conspiracies, and how can you prove guilt upon them under the rules of evidence required in criminal proceedings?

Now, Mr. Speaker, you are not going to have a trust formed unless that trust can control and practically monopolize the production or sale

of some article in this country—some article, I might add, of universal or common consumption. A trust is not merely such a combination as I have described. It is a combination for the very purpose of forming a monopoly, and to form a monopoly it must be possible to do away as nearly as may be with competition.

You can not, therefore, form a trust in articles of which the producers are scattered all over the country; but any article like sugar, the refining or manufacturing of which can be concentrated in a few or in a moderate number of establishments, can be consolidated into a trust that will have a monopoly of the home market unless there be sources of supply outside the trust. Now, sir, it is just here that the Federal Government, by its system of import duties, already prohibitory as to many articles of common consumption and soon to be made so as to others, presents the most favorable and tempting field in the world for the successful formation and growth of trusts.

Where the Government by high or prohibitory duties shuts out foreign supplies from our markets, it makes it practicable and easy for home producers to unite in the trust organization and maintain a monopoly in those markets. And this is the present working of protective tariffs in other countries as well as in our own. Mr. David A. Wells tells us that Germany leads all other countries in the number, variety, and power of its trusts, and that it is admitted that they sprang up immediately after the high tariff law of 1879 in that empire.

I venture to say that there are few, if any, trusts in the correct sense of that word in England to-day. I know we were told in the campaign of 1888 that "free-trade England" was "plastered with trusts," but I went personally last summer to the professor of political economy at the University of Oxford, himself for some years a member of Parliament and a distinguished Liberal—I refer to Professor Thorold Rogers—and asked him if there were such things as trusts in England, and he told me he had never heard of any and indeed could not well see how they could thrive there. An attempt was made some months ago to form some sort of a combination among the paper mills there, but the consumers of paper promptly informed the combination that if it attempted to run up prices on them they would buy their paper abroad.

But, Mr. Speaker, if our tariff encourages the formation of trusts by shutting out foreign supplies and outside competition from our markets, it is in another sense scarcely less responsible for them. If there is a remunerative demand for products there is little temptation and no necessity for forming trusts. It is only when the power of production has outstripped the power of consumption that this temptation and almost necessity exist.

Now, I need not say that such is the condition of production in the United States to-day. As the foremost of all peoples in mechanical invention, as the quickest and readiest at all times to adopt every improved appliance and every scientific discovery, we have in many important manufactures already far outrun remunerative demand in this country. We have done likewise in our staple farm products.

A Kansas farmer, in a recent number of *The Forum*, presenting figures which I am sure are not understatements, says that our present supply of beef is sufficient for 71,000,000 people, of swine for 76,000,000, of wheat for 79,000,000, of corn for 70,500,000, and of oats for more than 100,000,000. Our population is something less than 65,000,000.

Now, I say that for a congested market, for overproduction, there are but two remedies possible. The one remedy is commerce and the other is trusts. You must throw open your ports and let out your surplus agricultural products or your surplus manufactured products to outside buyers and to a larger market, or you must put your hand upon the throttle and bring down supply to the measure of consumption in this country.

Mr. FUNSTON. Will the gentleman kindly point out the tariff laws, the duties on imports or exports, that prevent us from shipping farm products from this country now?

Mr. WILSON, of West Virginia. I will do so.

Mr. FUNSTON. Are there any such laws?

Mr. WILSON, of West Virginia. My friend, I will tell you a little historical fact. In the discussion of the tariff question—

Mr. FUNSTON. Answer my question.

Mr. WILSON, of West Virginia. I will answer it with an illustration or parable that you can understand.

Mr. FUNSTON. Give us the law.

Mr. WILSON, of West Virginia. I will give an answer by way of a parable that a Kansas farmer can understand.

Mr. FUNSTON. You are a lawyer, and yet you admitted a moment ago you do not understand this question of trusts. Please do not reflect on the farmers.

Mr. WILSON, of West Virginia. My dear sir, I did not admit that I do not understand it.

Mr. FUNSTON. You admitted that after three months' study of the subject you know nothing about the constitutionality of this question; and you are a lawyer. Now please do not reflect on me. I am not expected to understand such questions.

Mr. WILSON, of West Virginia. I can not yield my time. I am going to answer your question.

Mr. FUNSTON. Answer it now.

Mr. WILSON, of West Virginia. I will answer it in my own way.

Mr. FUNSTON. Please point out the laws which prevent the shipping of farm products from this country.

Mr. WILSON, of West Virginia. I will point out to you—

Mr. FUNSTON. Where are they?

Mr. WILSON, of West Virginia. I hope the gentleman will sit down and let me go on.

Mr. Speaker, the gentleman is mistaken in saying that I admitted that I did not know anything about trusts. I am trying to show the House I do know something about them.

A MEMBER. And you are succeeding.

Mr. WILSON, of West Virginia. When the first tariff bill was introduced into this House a proposition was made to impose a tax of 8 cents a gallon upon molasses. Members from the State of Massachusetts, one after another, opposed that proposition, and upon three distinct grounds. One set of gentlemen said: "Why, molasses is an article of common food; it is used upon the tables of the poorer people of New England; if you impose a tax of 8 cents a gallon upon it you throw too much of the burden of supporting the Government upon the consumers of molasses; such a tax is not just to the consumers." But there was another class of Representatives. They said, "There is a second reason why you should not impose this tariff of 8 cents a gallon upon molasses. Molasses is the raw material of an important New England industry; and if you check the importation of molasses, you strike a blow at that industry in which New England capital finds profitable investment and New England workmen good employment." But there was still a third class of Representatives from Massachusetts, and they said: "Why, we trade our fish for molasses; if you keep out molasses you keep in fish. [Laughter.] Any impediment to the importation of molasses will prevent the exportation of fish."

Now, we have a tax of 1 cent a pound on tin-plate. We are able to-day to exchange \$20,000,000 worth of farm products, surplus wheat, corn, and other agricultural products, for tin-plate. Your committee comes in and says, "In order to give one or two men in Pittsburgh the opportunity to start the manufacture of tin-plate we will raise the duty to 2.2 per cent, and thus shut in the agricultural products that we are able to-day to exchange for tin-plate." [Applause on the Democratic side.]

Now, I hope my friend is answered.

Mr. FUNSTON. I do not regard that as any answer whatever. He has gone away down and produced an argument, and not a fact. [Laughter.] Now, I want the gentleman, if he will—

Mr. WILSON, of West Virginia. I regret I can not yield further to the gentleman. He can take his own time to answer and explain.

Mr. FUNSTON. Very well.

Mr. WILSON, of West Virginia. Again, Mr. Speaker, take wool as an illustration. We have been keeping out foreign wool under our tariff, which, as I said the other day, was absolutely merciless, because in this great and rich country, with all of its various sources of taxation, with its great corporations, its wealth and property of all kinds, the Government gathers more than one-tenth part of all of the revenue from the people who use woolen goods. This illustrates just what the men of Massachusetts said would be the working of a tax of 8 cents per gallon on molasses.

It is a merciless tax upon the consumer; it cripples the woolen industry by taxing its raw material and it increases the agricultural surplus by depriving the producers of this country of a foreign market. Why, do you not know that the people of the Argentine Confederation, who are anxious to sell us wool, and whose wool we will not take, and by refusing to take it have so depressed its price in foreign markets that it is not profitable; as a consequence are now plowing up their sheep pastures and are going into the production of wheat, thus coming into competition in another branch of industry with the already distressed wheat-growers of America? [Applause on the Democratic side.]

Sir, the Republican party sometimes claims to stand upon the platform of Alexander Hamilton. There would be no man to-day, if he were living, who would be more compelled by his own utterances to avoid your position on the tariff question than Mr. Hamilton. When there was a surplus under Mr. Jefferson's administration by the substitution of economy for taxation, and Mr. Jefferson urged the repeal of the internal-revenue law which gathered a million of dollars and cost \$400,000 to collect, and which was in those days a vexatious law, invading the personal liberties of the people, hindering the prosperity of Western Pennsylvania, where whisky was really the medium of exchange, Mr. Hamilton criticised him in a series of letters over the signature of Publius Crassus and said: "If there is a surplus revenue in this country, do not touch the excise system; reduce tariff duties and stimulate navigation and commerce."

That is the position he assumed, and that is the position which the Democratic party has held as to the existing surplus from the very beginning. Leave, as far as possible, the internal-revenue system alone and cut down the taxes that cripple commerce and destroy navigation. And let me read you an extract from Mr. Hamilton's writings in the Federalist bearing upon that very point. We are told in the majority report of the Committee on Ways and Means that they have not cared so much about the consumer—Lord bless you, no; what do they care about

the consumer?—but that the bill is framed upon the idea of checking importations.

In other words, it is the continuation of the war that has been going on in this country for a quarter of a century against commerce. You talk about these taxes being war taxes. In a sense—in a historic sense—they are, because we continue to-day the same rates that we enacted when war was flagrant in the land, and even higher rates. But in a more pregnant sense and in a more disastrous sense they are war taxes, because they represent twenty-five years' unrelenting war against American commerce.

Now, Mr. Hamilton wrote:

A prosperous commerce is now believed and acknowledged by all enlightened statesmen to be the most useful as well as the most productive source of national wealth, and has accordingly become the prime object of their political care.

A prosperous commerce, say the majority of the Ways and Means Committee, is a menace to American industry. [Applause on the Democratic side.]

Such is the contrast between the legislation proposed to-day and the views of that great statesman, one of the fathers of the protective system:

By multiplying the means of gratification, by promoting the introduction and circulation of the precious metals, those darling objects of human avarice and enterprise, it serves to vivify and invigorate all the channels of industry and to make them flow with greater activity and copiousness.

That is what the prosperous commerce would do for this country. It invigorates and vivifies every channel of industry, making them flow with greater copiousness; but by refusing commerce and warring against it you compel men to resort to such machinery as trusts to reduce production to the demands of the home market, and where this can not be done, as with the farmer, to throw their productions at ruinous prices upon these markets.

Mr. ADAMS. I would like to ask the gentleman from West Virginia a question, if it will not interrupt him?

Mr. WILSON, of West Virginia. Certainly.

Mr. ADAMS. I desire to know if it is the gentleman's argument that the tariff stimulates production so that it gets to be overproduction? Is it his argument that trusts arise from overproduction; that is, from an excess of production, and the competition engendered between producers, so that they must necessarily form a combination, or else the competition would bring the prices down below the cost of production?

Mr. WILSON, of West Virginia. But, Mr. Chairman, the gentleman himself goes round the whole circle. I am not arguing just now that the tariff stimulates home production, because that is not the line that I am discussing, and I had not intended to refer to it particularly. But the argument is a sound one, that by offering profits greater than those which can be made in a normal condition of trade it does tempt men to go into the protected industries, and that having thus stimulated production it is responsible in that way also for the formation of trusts.

Mr. ADAMS. Will it annoy the gentleman if I ask him another question?

Mr. WILSON, of West Virginia. Not at all, if my time holds out.

Mr. ADAMS. Simply supposing, as the gentleman has stated in general terms, as I understand, that these trusts are the result of tariff legislation, I have the impression that a trust did not exist specifically on those articles which may be presumed to have felt the effect of tariff as much as others. Now, I ask simply for information what articles affected by the tariff have developed into a trust in a large degree and what articles imported from abroad have developed into trusts upon any special articles. I ask these questions because the gentleman has given much attention to the subject.

Mr. WILSON, of West Virginia. I will give by way of illustration the sugar trust, the lead trust, and I could roll off a number of them.

Mr. ADAMS. The sugar trust. Will the gentleman stop there for a moment? Is it not a question of the lack of competition, and not the effect of legislation in this country? I will say that I am for a reduction of the tariff on sugar.

Mr. WILSON, of West Virginia. The competition in the sugar trust? There can not be a trust in anything unless we can control the importation of it. You might attempt to get up a trust in Chicago on sugar and it would be impossible, for sugar would be brought in from other States.

Mr. BUTTERWORTH. But where the supply is limited?

Mr. WILSON, of West Virginia. Certainly, if there is a natural limitation of supply. A trust of that kind could be gotten up in anthracite coal. It comes under the natural limitation of supply and is not created by legislation.

Mr. ADAMS. Not in anthracite coal?

Mr. WILSON, of West Virginia. No; I have not said that it was there created by legislation.

Mr. McCOMAS. Does my friend from West Virginia not remember that the English papers and French and German papers condemned the conduct of some trusts, as the copper trust and the salt trust, in France and England?

Mr. WILSON, of West Virginia. The copper trust—which, however, was not a trust, but a corner—is but an illustration of what I have said or what I should say: that you can not form an international trust.

The whole world is too big a thing, and it fails. The copper trust, as you know, fell to pieces and wrecked the second biggest bank of France.

The salt trust is such a combination as I have spoken of. It is a voluntary combination, because, as the gentleman from Ohio says, there is a natural limitation to the supply. Now, England could not have a salt trust if Germany had salt; and England could not have a sugar trust, because if it had, Germany, Holland, and France could pour their sugar into England.

Mr. McCOMAS. Did not my friend find in those papers that there were half a dozen different trusts?

Mr. WILSON, of West Virginia. I did not.

Mr. McCOMAS. I could give a dozen different trusts.

Mr. WILSON, of West Virginia. In answer to that, I would say that when the gentleman from Maryland and myself were over the sea I went to the gentleman I have already referred to, who was recommended to me as being the best informed man as to British industries and trade, and he told me that he had never heard of such a thing in England and that he did not know how there could be one.

Mr. McCOMAS. But you and I had read of them in the papers—

Mr. WILSON, of West Virginia. I admit, of course, that there could be a trust in England where there is a natural limitation of supply, but I was arguing against the Government coming in and making an artificial limitation of supply. [Loud applause on the Democratic side.]

Mr. ADAMS. Will the gentleman allow me—

Mr. WILSON, of West Virginia. I was defining a trust and speaking against such action as the gentleman from Ohio [Mr. MCKINLEY] is attempting. [Applause.]

Now, one sentence more, Mr. Speaker. Mr. Alexander Hamilton said—and I know it will commend itself to gentlemen who are talking so much about the agricultural distress in this country, for a great truth was never stated more clearly—

It has been found in various countries that in proportion as commerce has flourished land has risen in value.

And how could it have been otherwise?

Now, my friends, when you come in here with your bill to cripple commerce, to destroy or minimize it, what are you going to say to the farmer who understands that great truth "that in proportion as commerce has flourished the land has everywhere risen in value?"

Mr. HILL. Will the gentleman permit me to ask him a question there?

Mr. WILSON, of West Virginia. Certainly.

Mr. HILL. Will the gentleman state what has been done in that regard with the farming lands of England?

Mr. WILSON, of West Virginia. The farming lands are now but a small part of the wealth of England. They are held by so small a number that we would be able to get them all into this Hall.

Mr. HILL. Yes; but is it true, as Alexander Hamilton said, that the increase of commerce has increased the value of those lands?

Mr. WILSON, of West Virginia. Well, the increase of commerce has certainly prevented as great a decline as there would otherwise have been in those lands with the opening up of new supplies of food. Let me tell you what a gentleman told me in London last year. He said that a friend of his wanted to give a piece of ground, a few feet square, to erect a monument to commemorate a historical event that had occurred upon his land two or three centuries ago, and it cost him £80 to give the land, owing to the registration laws, the necessity for examining titles, etc. I think it will be found that that system has had a great deal to do with the decline in land values in England.

Mr. MASON. A land trust. [Laughter.]

Mr. WILSON, of West Virginia. That is the result there of laws establishing privileged classes; just what I am complaining of and arguing against in this country in what I am saying now. [Laughter and applause on the Democratic side.]

Mr. HILL. Does not the gentleman know that during the last twenty-five years, since the repeal of the corn laws, the farming lands of England have decreased greatly in value, and does he not know that during that same period of time the commerce of Great Britain has largely increased?

Mr. WILSON, of West Virginia. I answer the gentleman by telling him that the first result of the repeal of the corn laws in England, for perhaps fifteen years after the repeal, was to increase the value of English lands.

Between the end of the wars with Napoleon and the repeal of the corn laws there were five different parliamentary inquiries to try to find out what was the cause of agricultural distress in England, while there has been but one such commission necessary since the repeal of the corn laws; and I remind the gentleman that there has been as great a decline in the lands of France and in the lands of Germany as there has been in English lands.

Mr. HILL. And is it not also true that the commerce of France has very largely increased during that period of time?

Mr. WILSON, of West Virginia. Of recent years, since the establishment of the Republic, France, like Germany, has taken the back track, and is, like ourselves, warring against her own commerce; and both those countries are doing it for a reason that they do not exactly avow. It is simply for the purpose of consolidating and concentrating

the power of France and Germany in the central governments and giving to both governments that omnipotence which belongs to the power of dealing out wealth and poverty.

Mr. HILL. Yes; but the position taken by the gentleman, as I understood him, was that as commerce increases the value of agricultural lands also increases.

Mr. WILSON, of West Virginia. Certainly.

Mr. HILL. Now, I ask the gentleman, is it not true that during this same period of time of which he speaks, when the land of France, as he says, has declined in value, the commerce of France has rapidly increased.

Mr. WILSON, of West Virginia. Of course commerce has increased in France. It was increasing rapidly under the empire, but since the Republic was started, a weak Government, desiring to consolidate its power and using every device for that purpose, just as Bismarck did when he wanted to consolidate the German Empire out of the different kingdoms and states that formed it, has adopted a protective system such as we have in this country.

Mr. HILL. And yet the gentleman admits that during that same period of time when French commerce has been increasing the farming lands of France have decreased in value.

Mr. WILSON, of West Virginia. Undoubtedly so, under the restrictive system; and in Germany the same thing has occurred.

But the gentleman's argument does not amount to anything, because in the one country, where commerce has been stimulated, there has been a decline in land of recent years, and in the other two countries, where commerce has been depressed, there has been even a greater decline.

The decline in the lands of England and France and Germany is due to entirely other causes. It is due to the invention of steam-boats and railways, which now bring all the supplies of wheat and other staple products into one great market, the market of the world.

Mr. McCOMAS. Did not my friend find the lands and the farming interests of England, Ireland, and Scotland greatly depressed when he was there last summer?

Mr. WILSON, of West Virginia. Any country that has the land system of Ireland would be depressed. My friend from Illinois [Mr. SPRINGER] can tell the gentleman what the Irish land system has done on "Lord" Scully's lands in Illinois.

Mr. McCOMAS. How was it in Scotland and in England? Were not the farming lands of those countries greatly depressed, as you saw them last year? Did you not find complaint everywhere?

Mr. WILSON, of West Virginia. I did not find all the complaint that my friend found.

Mr. McCOMAS. Did not you find some of it?

Mr. WILSON, of West Virginia. I read something about it in the papers, but I did not hear or see very much of it. But it stands to reason that, if England could not employ her millions of workingmen in the manufactures which she sends out all over the world, she would have fewer consumers for the products of her soil; and it is her commerce that maintains her land values even at what they are, despite her system of entail and primogeniture and her other burdensome land laws.

Now, Mr. Speaker, I shall not oppose this bill, although even so great a lawyer as the gentleman from Texas [Mr. CULBERSON] is not able to tell us what it means. I do not believe that anybody can tell us what it means. This is merely experimental legislation. It is a blind legislation, to answer a popular demand that something shall be done about trusts.

You bring in with one hand a bill to make trusts more permanent in this country; you bring in with one hand a bill that offers such temptations to the formation of trusts that no laws which you may pass merely imposing penalties will prevent people from availing themselves of the opportunities presented, and with the other hand you bring in a bill of which nobody can tell the meaning, but which may introduce chaos into the business of this country, for the professed purpose of suppressing trusts.

Mr. HILL. As a lawyer, does not the gentleman think that this bill is within the scope and limits of the Constitution and fully up to the jurisdiction of Congress under the Constitution?

Mr. WILSON, of West Virginia. I would not vote for it blindly even if it were constitutional. I believe that it is within the jurisdiction of the Federal Government to legislate concerning interstate and foreign commerce.

Mr. HILL. But the point of my inquiry was whether this does not furnish all the relief that Congress under the Constitution can furnish?

Mr. WILSON, of West Virginia. You hold out to a man great prizes, you dangle before his eyes the opportunity of making great wealth, and then you say, "If you seize upon these prizes we are going to punish you." Now, human ingenuity is going to be sharp enough to evade the threat of punishment and to get the prizes.

I remember an old rhyme that runs something like this:

I hear a lion in the lobby roar.
Say, Mr. Speaker, shall we shut the door
And keep him there, or shall we let him in
To try if we can turn him out again?

[Laughter.]

This is your position in regard to trusts. Instead of keeping out the lion Brother MCKINLEY comes opening the door and says "Let him in, and then we are going to chase him around and try to get him out again." [Laughter.]

Mr. HEARD. Will the gentleman allow me a question?

Mr. WILSON, of West Virginia. Certainly, I yield for a question.

Mr. HEARD. Does not the gentleman think he is unfair to those on this side who urge the passage of this bill to repress "trusts" when he couples them with those who favor the McKinley bill? Does he not know that the two sides of this House stand upon different footing and support the measure from different points of view?

Mr. WILSON, of West Virginia. Oh, we are all going to support the bill; we are all solid against trusts.

Mr. HEARD. But we on this side are not in the same boat with the men on the other side.

Mr. WILSON, of West Virginia. What I am saying is that the party in control of this House comes in here, carrying in one hand a bill to encourage trusts in this country, to consolidate and perpetuate their dominion, to offer them even higher prizes than were heretofore possible, by shutting out the only thing that really can destroy them, and that is the stream of competition; and then they attempt with the other hand to pass some sort of a measure that will chase the lion out after they have let him in.

Moreover, this bill does not interfere with trusts formed in a single State. You might concentrate all the sugar production of this country in the State of New York, consolidate it into a trust with \$100,000,000 capital, a trust that could destroy competition wherever it dared to raise its head in the country. Why, sir, it is one of the subtleties of the trust system that it can always have on hand a supply of corporations to be used as light cavalry to chase down the first competitor that dares to appear to contest the dominion of the trust over the home market. The trust may form its corporations *ad libitum*. Nobody can say whether they belong to the trust or not; you can not find it out.

But I am contending, not that you should not attempt to punish trusts—I am in favor of that—but that you should bring about such a healthful condition of trade in this country that trusts can not possibly exist; and that is only possible when your tariff law is so arranged that when men get beyond a reasonable profit the stream of healthful competition from abroad shall be let in to prevent combinations to oppress the people. That was the measure of protection that the elder statesmen of the Republican party contended for. Mr. Garfield wished nothing more.

As late as 1883 Senator SHERMAN, in discussing the tariff bill of that year, said the just measure of protection was only to the extent of creating competition, not home monopoly. There is nothing more true.

And coming again to the point raised by the gentleman from Kansas, I will say in conclusion that whenever you shut out the things which people are ready to exchange for our products you are shutting in these products upon the home market.

And just as the men of Massachusetts exclaimed against the high tariff on molasses, "Without the molasses trade is continued the fisheries can not be carried on; the weapon which wounds the one will stab the other," so we may say to-day every blow at commerce is a blow at some home industry. The weapon which wounds the trade in wool, or hides, or tin-plate will stab the home production of wheat and corn and manufactured products.

Mr. Speaker, as the unexpected calling up of this bill has prevented my discussing it with the preparation I had desired, I will append to my remarks when printed some extracts from published articles in which I have stated my views with more care and fullness on the points I have just touched. I now yield for a moment to the gentleman from Texas [Mr. SAYERS].

APPENDIX.

[Extracts from papers on trusts written for the Baltimore Sun.]

THE TARIFF THE GREAT MOTHER OF TRUSTS.

The existing tariff imposes a tax averaging nearly 50 per cent. on the value of all the dutiable goods brought into this country, which in many cases, as in refined sugar and cotton-bagging, we have already seen is entirely prohibitory. Indeed, it is avowedly an extreme protective tariff; that is to say, its duties are not laid to bring money into the Treasury, but for the very purpose of keeping out foreign products that might compete with like products made at home. It is, therefore, the nursing mother of trusts.

Almost any highly protected article where production may be centralized, like that of refined sugar, in a moderate number of establishments can be made the basis of a trust as readily as sugar. Now, the hard condition of the consumer is that the very purposes for which these tariff taxes are laid requires that they shall be laid on the plain necessities of life. It is a familiar maxim that "Protection, to be available, must be got out of the belly and the back of the great mass of the people." It is, therefore, chiefly in the highly taxed commodities that supply his primary wants, and which he can not, therefore, forego, that the citizen is finding himself to-day levied upon by the trusts.

THE PROTECTION OF HAMILTON AND CLAY.

The theory of the protective tariff of Alexander Hamilton, and afterwards of Mr. Clay, was that it gave a premature and temporary assistance to young industries to get them on their feet earlier than they could of their own strength if subjected to foreign competition. And Mr. Hamilton expressly opposed excessive rates as tending to monopoly, and said that if after a reasonable time any industry still needed protection it was proof that there were natural impediments to its building up in the country and it should be abandoned.

In our centennial year tariff rates are three or four times higher than Mr. Hamilton first arranged them in the infancy of the country and in the beginning of manufactures. Moreover, there is not an instance in all that hundred years of any industry once admitted into the Government hospital that has not at once become a professional "old soldier," and forever afterward whined with terror or shrieked with rage at the suggestion that it should again face active competition in the ranks. And by both Mr. Hamilton and Mr. Clay protection was granted on the fundamental condition that those engaged in the fostered industries would honestly compete among themselves, so as to give the consumer, whose taxes supported them, the benefit of their cheapest production, in order that he might be relieved as soon as possible of the burden of carrying them.

THE PROTECTION OF TO-DAY.

But the theory of those who defend the existing rates is not that of Hamilton or Clay, but of Henry Carey, to whom protection meant not a temporary aid to home industries until they could get firmly on their feet, but a permanent and complete prohibition of foreign products, the like of which could be produced in this country. He believed and taught that it would be beneficial to us to have the oceans which encompass us turned into a sea of fire.

If my venerable friend, Judge Kelley, who has done me the honor to write me that he is reading these papers, happens to peruse this paragraph, he will not object, I believe, to my saying that both his teaching as a statesman and his practical work as a lawmaker in framing our tariffs since 1861 have been in accord with the doctrines of Mr. Carey.

TARIFF CAUSES OVERPRODUCTION.

But the tariff is otherwise responsible for trusts. The high bounties it offers in many industries cause an extraordinary rush into them on the part of those who are tempted by the promises of greater profits than can be made in industries pursued under normal conditions. This rush leads, sooner or later, to excessive production, and then, to escape the loss threatened by an overstocked market, resort is had to some kind of combination to maintain prices and to control supply.

The circle is, first, excessive stimulation; next, excessive production, and, lastly, combinations against the consumer. I know it is strenuously denied by defenders of our tariff that it is chargeable with the great movement in the United States in recent months toward the formation of trusts, and we are told that we are not the only people who are the victims of these combinations. I have already said there may be natural monopolies, as when a single country or region produces the entire supply.

In such a case—whether that region be one of our States or England, Holland, or even the petty Republic of San Marino—it is perfectly feasible for producers to form a trust if consumers must and will still buy their products at artificial prices. Combinations of some kind or attempts to form them are as old as the history of trade. I do not deny that a trust such as the Standard Oil or the whisky trust might arise in any country under the same conditions, tariff or no tariff.

But such combinations as our trusts in the prime necessities of life, in food and clothing, which are produced by no one people, but freely in many countries, can be formed only in a country that surrounds its producers with a wall of protecting duties against supplies from without. The impracticability of forming an international combination among producers of an article found in many countries is shown by the collapse of the recent copper pool, carrying with it the second strongest bank in France.

The recent movement of the paper manufacturers in England to form a "ring" was met by publishers with the threat that they would get their paper from other countries if their own mills attempted to combine to squeeze them. As the Government does not shut off the outside supply it is clear that consumers were in no danger of having to pay monopoly prices.

LEGISLATION, ACTUAL OR PROPOSED.

Let us now consider briefly some of the actual or proposed legislation. The Congressional committee that investigated trusts failed to agree upon any definite measures, but several of the States have already put upon their statute-books laws for the suppression of trusts.

The common principle of all these laws, as far as I have examined, is to make unlawful and punish by fines and forfeitures all combinations for regulating prices or for limiting the quantity of products. The State of Missouri took the lead in this legislation. Its law, in addition to the general provision just stated, forbids corporations to own or issue trust certificates, and also forbids corporations, their officers or stockholders to enter any combination the purpose or effect of which shall be to place the management of the combination or of its manufactured product in the hands of trustees with intent to limit prices or to lessen production or sale.

The secretary of state is authorized to revoke the charter of any corporation that becomes a member of a trust, and to guide him in the exercise of this authority he may require the proper officer of any incorporated company doing business in the State to answer, under oath, whether the corporation has merged all or any part of its business in any trust. Of the operation of this law I am not in position to speak definitely. Governor Francis, writing soon after its enactment, said that it seemed already to have broken up some combinations and to have prevented the formation of others that were proposed at the time of its approval.

Very similar to this in their general character were most of the bills introduced into the last Congress. Perhaps the most widely known of these, as it was one of the earliest, was the bill offered by Mr. Rayner. It was aimed against combinations between corporations or individuals residing in one State or Territory with corporations or individuals residing in another State or Territory, and declared it unlawful for them, either directly or indirectly through trustees, to combine any interests, franchises, or properties for the purpose of affecting or equalizing prices or preventing competition.

Other bills, including that of Senator SHERMAN, already alluded to, were still more comprehensive and minute in their prohibitions, even to the extent of imposing severe punishment on all who enter into a trust or like combination.

It will be noted that all these measures are very sweeping in their prohibition of combinations, while the real offense aimed at is combination with intent to form monopolies.

It may well be considered whether they can be successfully enforced, and, if so, whether they may not invade the domain of liberty or impinge upon what are now accepted as sound economic principles. In their reach after combinations which are detrimental to public interests and contrary to public policy they may apply to many indifferent, harmless, or even beneficial agreements that no one may wish to affect or prohibit, and thus reproduce the rigors of the old English statutes that have been repealed or swept aside in the growth of trade.

English courts have gone very far in recent years in vindicating freedom of contract, doubtless reasoning that England's free admission of foreign products was her sufficient defense against home combinations to establish monopolies. But more than a century ago, when she did not have this defense, Adam Smith expressed the opinion that it was impossible to prevent meetings of traders for the purpose of combination "by any laws which either could be executed or would be executed with liberty and justice."

In his profoundly instructive book, just issued under the title *Recent Economic Changes*, Mr. David A. Wells says:

"Society has practically abandoned, and from the very necessity of the case has got to abandon, unless it proposes to war against progress and civilization, the prohibition of industrial concentrations and combinations. The world demands abundance of commodities and demands them cheaply, and experience shows that it can have them only by the employment of great capital on an extensive scale."

He states the difficult problem now presented to society for its solution in this form:

"To the producer the question of importance is, How can competition be restricted to an extent sufficient to prevent its injurious excesses? To the consumer, How can combination be restricted so as to secure its advantages and at the same time curb its abuses?"

ROOM FOR ESCAPE.

But aside from the economic criticism of such sweeping legislation, it must be considered whether, in the long run, it could be enforced. Recurring to the structure of trusts, as explained in former papers, the question may be raised whether the deeds of the Standard Oil and the sugar trusts were not drawn with an eye to this legislation, and, if so, whether these great typical trusts could not defy or escape its operation.

These laws, it may be observed, inflict penalties and forfeitures, and, according to well known and very just rules of interpretation, must be strictly construed and enforced only by plenary proof. They are directed against combinations to fix the prices or to regulate the production of articles of merchandise. Unless the courts hold that the trust structure in a criminal action or in one to enforce a forfeiture would *per se* supply sufficient proof that such was the intent or the effect of the trust, where is the proof to be gotten? In both cases the trustees denied on the witness stand, with much emphasis, that they ever attempted or intended to fix prices or to regulate production.

The meetings are secret. We have seen that they keep no minutes or at best but meager and meaningless memoranda of their proceedings. If we are to legislate successfully against the evils of trusts, we must endeavor to do so through laws that shall be correct in principle, simple in their provisions, and easy of enforcement. The highest legal talent is always at the command of the defendant, and the people can afford to take no risks in the first encounter.

REMEDIES BY STATE ACTION—PREVENTION BY TARIFF REDUCTION.

If there be difficulty in legislating directly for the suppression of trusts or for the punishment of those who form them, or if the legislation proposed may invade fundamental principles which are a part of our freedom, or impair what must now be accepted as the legitimate and necessary machinery of modern industry, how may Government intervene to save the people from the power of monopoly?

The analogy of the interstate-commerce law has suggested to some the answer that we must strip the veil of secrecy from the trust, recognize it as a lawful organization, expose all its machinery and operations to public inspection, and exact from it equal dealing with all men. But it has not been made clear as a practical question how all this is to be accomplished, and especially how it can be done with proper recognition of the established partition of powers between the State and the General Governments.

It will, however, be as unnecessary to develop this scheme as it is to resort to remedies that may fail in the test of trial or that may be unsound in principle. If it can be shown that trusts, so far as they menace public injury, can be dealt with by existing and familiar remedies, and by legislation, wherever legislation is necessary, not in the direction of impairing, but in that of broadening and maintaining the liberties of the people.

The essential structure of the trust, as we have examined it, shows the point toward which State action can and should be directed, and fortunately the example of the State of New York, in the great test case already made there, shows as conclusively as can be shown, without the decision of the court of last resort, both the ease and the certainty of its application.

The essential conditions for the rise and maintenance of trusts, as we have examined them, not less unerringly suggest the appropriate and effective method of relief by the Federal Government.

The State can destroy an existing trust; the United States can remove the conditions out of which spring most of the trusts. The power of the one is remedial or repressive; the power of the other is preventive.

STATE ACTION.

Now, the corporation is the creature of the State, brought into being by it and clothed with just such power and capacities as the State chooses to bestow upon it. The State then has not only the undoubted right, but rests under the undoubted duty, of making it a useful, law-abiding citizen, contributing to the welfare of society, while strictly confined to the field of activity assigned it.

Whether incorporated by special legislative act or, as is now almost universally the case, under general laws, the franchise is granted for a definite purpose and upon the condition that in the pursuit of that purpose the private gain of the corporators shall consist with and promote the general well-being of the community. Strict construction of corporate franchise is therefore the rule of law. "In grants by the public," said Chief-Justice Marshall, "nothing passes by intentment." The attempted exercise of powers not granted and the perversion to the public injury of powers granted are equally grounds for revoking charters.

All the States have, or can readily provide, the proper machinery for effecting such revocation upon good cause shown. Here, then, we find a power as to which there can be no cavil, whose firm and just exercise is fraught with none of the dangers and difficulties that may attend the State legislation that has been proposed.

With the steady increase in the number of corporations, with their gradual occupation of the entire field of the greater industries, with their control of massed capital and their not infrequent intrusion into the arena of politics and government, this power must become one of the chief bulwarks of individual rights and property. The State can not slumber upon it, but must keep it always ready to chastise or destroy offenders with. When a corporation merges into a trust it clearly disappoints the public purpose for which it was formed.

It ceases to have any independent existence, any real vitality, and has become but a part of the machinery of a monopoly. Its directors are no longer real directors, but are mere puppets and creatures of a secret junta. It has violated the fundamental condition of its being. It is using the powers granted to it by the public to the detriment of the public. The State is therefore bound to revoke the franchises it has bestowed. In every State there exists, or ought speedily to be provided if it does not exist, the appropriate machinery, judicial and otherwise, for the correct ascertainment of such offenses and the prompt enforcement of such penalty.

CASE AGAINST SUGAR TRUST.

The decision of Judge Barrett in the proceeding of the people of New York to forfeit the charter of the North River Refining Company because this company had merged into the sugar trust sustains these views.

He properly brushed away the technical pretense that the act of the stockholders did not affect or touch the corporation, and held that the purpose to effect corporate combination was but thinly disguised; that corporations have no authority to enter into such partnerships as are lawful for individuals; that in so doing they exercise powers not conferred by law, and, as a legal conclusion, forfeiture of franchise and dissolution follow.

While it was not necessary to go further than this to sustain his judgment, he also held that the combination itself—the sugar trust—is inherently unlawful by reason of its tendency to prevent general competition and control prices, thus being detrimental to the public and a legal monopoly.

Some of his words deserve to be quoted. "Fortunately the law is able to protect itself against abuses of the privileges which it grants. And while further legislation, both preventive and disciplinary, may be suitable to check and punish exceptional wrongs, yet there is existing, to use the phrase of a distinguished English judge in a noted case, 'plain law and plain sense' enough to deal with corporate abuses like the present, abuses which, if allowed to thrive and become general, must inevitably lead to the oppression of the people and ultimately to the subversion of their political rights."

These are just views, and, even since my first draught of this paper, the telegraph announces that the supreme court of New York in general term has sustained them, holding with Judge Barrett, as to a question suggested in my last article, that a jury would be justified in concluding from the trust deed itself that the governing object of the association is to raise the price of the product by limiting the supply, which makes it a criminal enterprise in the view of the law.

It held accordingly that the corporation proceeded against has entered into an unlawful combination, and in so doing had renounced and abandoned its franchises. This decision has yet to be reviewed by the court of appeals of New York, but it is so clearly "plain law and plain sense" and so clearly consonant with that sound public policy that makes sound law that I can not believe it will be impaired in its general principles.

This is a simple and speedy, a just and efficacious way of dealing with corporations that by the action of their stockholders, or a majority of them, become parties to a trust. If it be said that each State can reach in this proceeding only the corporations itself has created and that some law affecting non-resident corporations is yet required, it may be answered that corporations exercise corporate powers outside of the States which charter them not as a matter of right, but of comity, and the extension of the same principle that recalls the franchises of a home company will withdraw this comity from a foreign company in like guilt.

If the trust, therefore, shall arouse the States to a more systematic and watchful supervision of the immortal but soulless citizens that they create and to a firm and uniform requirement of them that they shall use the franchises granted them in strict accordance with the terms and intention of their grant, they will not have failed to subserve one very important and beneficent purpose.

FEDERAL ACTION.

But it is far more effective and important to strike at the causes of trusts than at the individual offenders. If we can remove the cause, we use the ounce of prevention that is better than the pound of cure. We have attempted to trace these combinations to their source. We have seen that while railroad discrimination has, of the large brood of artificial monopolies, produced the great original trust—*unum, sed leo*—the existing prohibitory tariff is the teeming mother of most of the combinations that portend widespread or continued oppression. The interstate-commerce law, evenly and rigidly enforced, will gradually raise up competitors to the Standard monopoly. Had that law been in existence for the past quarter of a century the oil trust would never have been able to trample down its competitors and make itself a monopoly.

Now, if it is the duty of the State to see that the franchises which it grants are not perverted to the hurt of the people, it is surely no less the duty of the General Government to see that its revenue laws do not afford a safe lodgment and stronghold for the great combinations that are seeking to prey upon the American consumer. It is as idle for those who uphold the existing tariff rates to declaim against trusts as it would be for men who hold out great prizes to human greed to denounce that greed for seeking to lay hold upon them.

As long as we impose a tax of nearly 50 per cent. on dutiable goods from abroad we are holding out prizes to home combinations which it is too much to expect them to resist, inviting the trust lion to enter that we may enjoy the effort to turn him out again. A fair reduction of these rates, bearing with it no distress to any legitimate industry, would close the door and keep him out, thus at once saving his victims and relieving ourselves from the wearisome and dangerous chase. We have to-day the capacity for production in nearly every machine-using industry as cheaply as any nation in the world.

To avail ourselves of that capacity and extend our market has become, if not our sole, at least our chief, dependence for increasing the wages of labor and maintaining the value of land. Yet in our unfounded fear of competition we shut ourselves within high walls and say to these industries you must seek your profits not in a large, but in a restricted trade; not by fair prices in the general market, but by monopoly prices in the home market. In other words, we make lions of them by turning over the people securely penned in and defenseless as their prey. I doubt if a more incontrovertible and startling confirmation of all this has ever been offered than that which is given as to our iron and steel industries by Mr. David A. Wells in the appendix to his *Recent Economic Changes*, a volume from which I have already quoted.

TARIFF REFORM OUR ONLY SURE PROTECTION.

Mr. BRECKINRIDGE, of Kentucky, made a proposition in the last Congress that whenever the chief production or sale of any article passed into the control of a trust the Secretary of the Treasury should place that article on the free-list until the trust was dissolved. Public sentiment, doubtless, would approve such a measure, but it would punish the innocent together with the guilty, the independent refiners as well as the sugar trust, and might introduce such a vacillation in our tariff laws as would unsettle business and invite combinations for mere purposes of speculation.

To unhorse the trusts it is not necessary to use heroic weapons. It is not even necessary to reduce tariff rates lower than consistent and leading protectionists have said they should go. General Garfield said:

"Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the prices as they please."

But it may be said that General Garfield's orthodoxy as a protectionist was not above suspicion. That may be true, so I prefer to quote a statesman whose consistent and hearty advocacy of thorough protection no one will question.

"The measure of protection," said Senator SHERMAN, discussing the tariff commission bill in 1883, "should extend only so far as to create competition, not to create home monopoly."

Revise and reduce the existing law to that measure, and we unroof all the trusts now flourishing or incubating beneath its shelter; not only trusts strictly so called, but all other forms of combination that gather there to harry and despoil the American consumer.

If it be true, as John Stuart Mill says, that "wherever competition is not monopoly is not," it is none the less true that wherever competition is monopoly is not. And it is just because our Government excludes outside competition from certain favored fields of industry that monopoly is steadily bringing them under its sway.

While, then, we can not say with Professor Dwight, "Let us be calm; trusts, as a rule, are not dangerous," we can confidently say that if the State and National Governments will but withdraw the support they now afford to trusts the latter will largely disappear or at least cease to be dangerous.

If the States will exercise that watchful supervision over corporations which every consideration of public safety and of political purity demands, the fran-

chises they bestow can not be perverted to the injury and oppression of their citizens, and, as a consequence, the foundations of most of the existing trusts will be undermined.

But whether the States which grant the corporate franchises act or not, if the General Government will remove the shelter of its own building and turn upon them a stream of healthy, invigorating competition, not only the trusts, strictly so called, but the "pools" and combines and every other member of the foul family of monopoly will be swept from their coverts in our revenue laws, where they securely lodge, and from which they sally forth to plunder a helpless people; nay, more, the very germs which these creatures breed will be exterminated.

WM. L. WILSON.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] has two minutes.

Mr. SAYERS. I send up an amendment which I desire to offer.

The Clerk read as follows:

Amend by adding the following as section 9:

"SEC. 9. That whenever the President of the United States shall be advised that a trust has been or is about to be organized for either of the purposes named in the first section of this act, and that a like product or commodity covered or proposed to be covered or handled by such trust, when produced out of the United States, is liable to an import duty when imported into the United States, he shall be, and is hereby, authorized and directed to suspend the operation of so much of the laws as impose a duty upon such product, commodity, or merchandise for such time as he may deem proper."

Mr. EZRA B. TAYLOR. Mr. Speaker, I raise the question of order against that amendment. I will reserve it if the gentleman desires to be heard.

Mr. SAYERS. I offer that in response to the remarks of the gentleman from West Virginia, to meet the point he makes.

Mr. McCOMAS. Will my friend accept an amendment providing for keeping out those imports on which there are trusts in other countries?

Mr. SAYERS. No, sir; that does not meet the point.

Mr. CULBERSON, of Texas. Was the point of order reserved upon the amendment?

Mr. EZRA B. TAYLOR. I did reserve the point of order.

Mr. SAYERS. The gentleman has not stated the point of order.

Mr. EZRA B. TAYLOR. The point of order is that this is a revenue amendment not germane to this bill; that it is not upon the subject of the bill.

Mr. SAYERS. Mr. Speaker, this is a question dealing entirely with trusts, and the purposes of the bill are, first, to suppress trusts, and, to aid in the accomplishment of that which the bill seeks to accomplish and which its friends think it will not accomplish, the amendment is offered.

The SPEAKER. The Chair sustains the point of order.

Mr. EZRA B. TAYLOR. Mr. Speaker, the gentleman from West Virginia [Mr. WILSON] complained that the time allowed for debate on this bill was insufficient and that no opportunity had been given for due consideration of its scope and purpose.

The bill bears the earliest number of the Senate bills, has been before the country for months, and has been duly considered by the Committee on the Judiciary of the House, of which committee the gentleman is a member. Whoever may plead ignorance of the provisions of the bill, surely my friend ought not to be included in the number.

If there is piteous need of discussion and instruction, as the gentleman asserts there is, it is to be regretted that he occupied one full hour of the time so much needed in debating the tariff question, with only an occasional allusion to trusts as connected with the tariff.

The fact that members of this House so often discuss questions foreign to the subject under consideration, and thus delay action, demonstrates the necessity of the rules of which the gentleman complains, rules which produce results and give opportunity for necessary legislation.

I regret that my friend did not withhold his tariff speech till next week, when that subject will be under discussion. It would then be in better time and the delay would have enabled him to avoid serious errors and mistakes. He seemed desirous of conveying the impression that in free-trade England trusts were unknown, and he informed us that a certain "professor," name reserved, informed him while in England last year that he had never heard the name of "trust." I do hope the gentleman will not long allow the name of this dear, unsophisticated old gentleman to remain unknown and unsung. He should at once take his place with the spectacled crew of revenue reformers in this country, who can follow a theory beyond the stars, but do not recognize a fact when they meet it, and are wholly unacquainted with the common and practical affairs of every-day life and experience.

My friend also has a theory to the effect that tariffs create and foster trusts, and would like to believe that trusts exist only where protection prevails; but he does not, can not, so believe; whatever the "professor" may have informed him to the contrary, he knows that England is the great home of combinations of capital to control business, call them by whatever name you choose—syndicates, companies limited, or trusts—and yet he insists that to abandon protection would ruin trusts in this country. He was asked, during the delivery of his speech, to name a single trust, just one, which had been created or fostered by the tariff, and he did not succeed in naming one. The great trusts to which all thoughts are turned when the word is spoken are the whisky, the oil, and the beef trusts, not one of which is protected.

If tariff promotes trusts we would reasonably expect to find the products and commodities most largely protected involved in trusts, but such is not the case. Iron, steel, woolen, cotton, glass, and pottery industries are not, nor are they suspected of being, involved in trusts. I invite attention to these facts, not in the hope of stopping the eternal iteration and reiteration alluded to, but trusting that the candid will follow the thoughts the facts suggest.

Of course no tariff-reform speech has the true ring of free-trade orthodoxy unless it contains an attack on the wool-growers' interests and asserts the necessity of free wool, and my friend is not guilty of the heresy of such omission. Such attack and assertion have become a habit of speech, unfortunately, not a subject of thought. If our wool-growing industry is crippled or destroyed, what then? Will wool, and clothing made of wool, be cheaper or dearer?

I answer unhesitatingly, dearer. You answer not at all or with a double tongue, as you sometimes do, that untaxed wool makes cheap clothing and that wool is higher in price when not taxed. At such times and in such arguments you do not explain how the tariff cheapens wool or how dear wool makes cheap clothing, but both those propositions may be found in more than one speech delivered on this floor by leading revenue reformers.

But why dearer? Because no competition would then exist in the wool trade. The high-priced wool would be foreign wool, not American wool. The wool of the world, except ours, is now and in the future will continue to be under the control and finally owned by the great London syndicate or trust, and it would fix the price to suit its own selfish ends.

If under the high prices so fixed the flocks reappear on the hills and plains of America the price would again be cut so low as to cause their disappearance, and only so long. Believe it or not, regard it as a fact or put it aside as a fancy, it is as true as prophesy that the only safety of the American wool-producer and the American wool-consumer lies in a fair and full protective tariff, and I plead for both classes at once.

The proposed increased duty on tin-plate also received the criticism of the gentleman from West Virginia. It is assumed that tin will be dearer in that case, but the assumption is unwarranted and false. The tin-plate business is now in the hands of a close corporation, so to speak, a syndicate, a trust. Prices do not respond to cost of production, but no competition can be organized against it in the absence of protection; without it any attempt at competition would be crushed.

This is not only theory, but experience. We can make tin-plate cheaper than it is now sold, but not so cheap as the powerful and wealthy monopoly which now controls it would sell it to remove opposition. Men competent to judge and abundantly able financially to back their pledges are ready to give bond that under the proposed advance tin-plate will not become dearer for a moment, but will become permanently cheaper; and such would be the result. A foreign trust would no longer control this immense industry and grow rich by oppressing us.

I am opposed to trusts, foreign or domestic; they toil not, neither do they spin, and yet they accumulate their numberless millions from the toil of others. They lay burdens, but bear none. The beef trust fixes arbitrarily the daily price of cattle, from which there is no appeal, for there is no other market. The farmers get from one-third to half of the former value of their cattle and yet beef is as costly as ever. Even if the conscience of the retailer is touched and he reduces his price the trust steps on him and refuses to sell to him or undersells him till he is ruined.

This monster robs the farmer on the one hand and the consumer on the other. This bill proposes to destroy such monopolies, such destructive tyrants, and goes as far in that direction as Congress has the power to go under the Constitution. Our action must be supplemented by action of the States, for we can only deal with interstate transactions.

It describes and condemns the wrong, fixes the penalty, both civil and criminal, gives the United States courts new jurisdiction, and allows a concurrent jurisdiction in the State courts so far as recovery for civil damages are concerned, as well as to restraining orders. It is clearly drawn, is practical, and will prove efficacious and valuable.

Mr. CANNON. Mr. Speaker, in these five minutes I want to say that I listened to the able and interesting explanation of this bill by the gentleman from Texas [Mr. CULBERSON], who is so noted in this House and in the country for his sound legal attainments and conservative views and character, and I listened with profit. It seems to me, so far as could be done in a short discussion of the provisions of this bill, he covered the ground. I want to thank him for his explanation, because in this House of 330 members each man, if he exhausts the work of his committee and does justice to himself and his fellows, has done all he can do, and the balance of us in the main have to trust the various committees.

I listened to the lecture of the able gentleman from West Virginia [Mr. WILSON]. He, too, is a member of the Committee on the Judiciary. I had a right to expect that he would present the provisions of this bill and give us the benefit of his legal knowledge and investigation in connection with it. Instead of doing that, he wandered off and read the House a lecture about the short time for debate given on the bill, about the rules we have, with no time for discussion, and then

threw the bill behind him and gave us that chestnutty tariff speech that invariably comes from that side of the House, in season and out of season, whenever we are engaged in debate. [Applause on the Republican side.] I submit, such action by the able gentleman from West Virginia shows that there has been ample time for discussion of this question. After the able presentation of it by the gentleman from Texas there was not much left to say.

Now, then, I want to say I believe this bill to be a good one; and I will be honest enough to say that I have not been able to give its provisions much consideration. I have not been a legislative drone this session of Congress; but after reading it and listening to the explanation of its provisions, it seems to me that it is a measure of great value, conservatively drawn, and discussed at the other end of the Capitol, and comes into this House with the unanimous report of the able committee presided over by the able gentleman from Ohio [Mr. EZRA B. TAYLOR]. What does it do? It defines combinations and conspiracies in restraint of trade among the several States and with foreign countries and declares them illegal. Then it furnishes a remedy:

First. It makes such combination or conspiracy a misdemeanor punishable by fine or imprisonment.

Second. It gives to any person injured by such combination an action for damages, and he can recover three times the damages sustained with costs, including a reasonable attorney's fee.

Third. It invokes the equity side—the great restraining power of the court—and makes it the duty of the United States district attorneys under the direction of the Attorney-General to go upon the equity side of the court and invoke the strong hand of the chancellor, backed by the whole power of the United States, and cause the same to be laid upon any person or corporation in the United States that is violating, or about to violate, the provisions of this act, and compel him to halt, to refrain from or to cease violating the same.

Fourth. It forfeits to the United States any property owned under any contract or by any combination which is used in violation of the provisions of the act.

Gentlemen say that they do not know how the courts will construe the act. It is for us to enact the law and for courts to construe and enforce it. If we do our duty it is reasonable to believe that the coordinate branch of the Government will do its duty. I believe that this is a valuable bill, and I shall vote for it with pleasure.

In conclusion, I want to say to the gentleman from West Virginia that next week we will enter upon the consideration of the tariff bill, and then I want to see whether the sugar trust that he spoke of, one which I tried to dig up by the roots in the last Congress, in which effort the gentleman from West Virginia would not co-operate, can not be cut up by the roots and destroyed.

The tariff bill now pending repeals the juggling sugar schedule under which the sugar trust was formed and puts sugar upon the free-list. It will relieve each inhabitant of the country, great and small, rich and poor, from the exaction of at least \$1 a year upon sugar alone, and at the same time destroy the sugar trust. [Applause on the Republican side.]

Mr. BLAND. Mr. Speaker, I desire to offer the following amendment, to come in at the end of section 8, the last section of the bill.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. EZRA B. TAYLOR. I do.

Mr. BLAND. Then I desire to offer the following amendment.

The Clerk read as follows:

Every contract or agreement entered into for the purpose of preventing competition in the sale or purchase of any commodity transported from one State or Territory to be sold in another, or so contracted to be sold, or for the transportation of persons or property from one State or Territory into another, shall be deemed unlawful within the meaning of this act: *Provided*, That the contracts here enumerated shall not be construed to exclude any other contract or agreement declared unlawful in this act.

Mr. CULBERSON, of Texas. I reserve the point of order, Mr. Speaker.

Mr. BLAND. Oh, there is no point of order on this. I was somewhat struck, Mr. Speaker, with the frankness of my friend from Texas [Mr. CULBERSON] in his explanation of this bill. If the House or the country is advised up to this very time as to any particular kind of contract or agreement that is covered by the bill, the gentlemen who have reported it and who have advocated it upon this floor have not designated that particular contract. It is true that my friend from Iowa [Mr. HENDERSON] mentioned the beef trust of the Big Four, so called, and my friend from Texas thought that possibly the bill would cover such a trust. Now, I hope my friend from Iowa will join me—for Iowa and Missouri are particularly interested in suppressing this trust—and I think this amendment of mine will reach it beyond any question or doubt, and not leave it to the construction of the Supreme Court.

This amendment declares unlawful a contract for the sale or purchase of any commodity on which a trust is formed the moment it becomes a commodity of interstate commerce. The moment it is put upon the car to be transported into another State and sold, or the moment it arrives in another State before, as a matter of course, it is delivered to the purchaser, it is still the subject of interstate commerce, and will come within the provisions of this amendment, and that will cover this beef

trust. We know that the contract with the Big Four, so called, covers every State in this Union. They compel butchers in every town of any population, East or West, to purchase of them or else they establish by the side of those butchers other shops for the sale of beef and, by underselling for a short time, they compel the home seller to submit to their dictation.

Now, this amendment covers that situation. It provides that where the Big Four or any other corporation or company are proven to be in a trust as to any commodity, the moment that commodity leaves the State or is to be sold in another State and is *in transitu* it becomes subject to this law. This provision does reach Armour & Co. without leaving the matter to the construction of the Supreme Court. It does it in direct terms in the law, and I want my friends to join with me to make that definite and certain, for there is no trust in this country that today is robbing the farmers of the great West and Northwest of more millions of their hard-earned money than this so-called Big Four beef trust of Chicago. This amendment, however, goes a little further than that, and provides that where there is a combination or an agreement to combine between railroad companies or transportation companies for the transportation of persons or property from one State into another, a "pool," so to speak, it is declared to be subject to this bill. I want at least two things to be known to be covered by this bill, and these two are the most important: the transportation monopoly and the monopoly of the great cattle industry of this country. This amendment will cover these two things, but God knows, for no man in this House knows, what else the bill will cover.

To be more explicit, Mr. Speaker, the amendment declares it to be unlawful to combine or make any agreement to prevent competition in the purchase or sale of anything transported from a State or Territory for sale in another State or Territory. Thus cattle shipped from any other State for sale in Chicago, Ill., will come within the express provisions of the amendment, and any trust or combine to prevent competition in the sale or purchase of this commodity is denounced by the amendment as unlawful and subject to the penalties imposed by the bill. So, also, where the Big Four, so called, agree not to compete with each other in the sale of dressed beef shipped from Chicago, Ill., to any other State or Territory for sale will come within the provisions of the bill and subject the combine to its penalties.

That part of the amendment which makes it unlawful for transportation companies to pool or agree not to compete in the matter of transporting persons or property from one State or Territory into another State or Territory will greatly aid the enforcement of the principles of the interstate-commerce law.

These remedies being cumulative may be applied where the interstate-commerce act does not afford adequate relief. Of course the amendment, like the bill, is confined to interstate commerce, since Congress has no jurisdiction over State commerce. State laws must supplement Congressional enactment if we are to reach the whole disease.

This act is but the beginning, an experiment. The decisions of the courts under it, it is to be hoped, will point the way to a more perfect law.

I trust the House will adopt the amendment. The bill may reach the case without the amendment, but I fear it will not, and from abundant caution I have offered it.

The SPEAKER. The time of the gentleman has expired.

Mr. EZRA B. TAYLOR. I yield two minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. BLAND. I ask leave to extend my remarks.

Mr. CULBERSON, of Texas. I ask that that leave be made general. There was no objection, and it was so ordered.

Mr. McMILLIN. Mr. Speaker, I favor and shall vote for the bill now under consideration, and think that it is not only expedient, but that it is the duty of this Congress to exercise every legitimate power for the prevention of these combinations called trusts—

The SPEAKER. The gentleman will suspend for a moment. The Chair supposes it is understood that the question of order is still pending.

Mr. CULBERSON, of Texas. Yes, sir.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] will continue. The Chair did not wish that there should be any misunderstanding.

Mr. McMILLIN. I was saying, Mr. Speaker, that I think it is the duty of Congress to exert every legitimate power for the prevention of the organization of these trusts which are so detrimental to trade and so destructive to the best interests of the citizen. Whether this bill accomplishes all that could be wished or not may be doubted. I recognize that the question is a very difficult one with which to deal, but this bill is certainly a step in the right direction. It is a condemnation of that which is vicious and which can result only in evil. Amendments proposed have been ruled out on a point of order, and it is possible the House may be restrained thereby from applying more stringent remedies.

Now, having said thus much concerning the bill, I wish to answer one statement made by the gentleman from Illinois [Mr. CANNON] He invited this side of the House to join him in the destruction of one

of the great trusts of this country, and left upon the House the impression that the proposed tariff bill now pending would destroy the sugar trust. I beg of my friend to read that bill and to consider its provisions; for he will then agree with me that it not only does not destroy, but that it does not attempt to destroy the sugar trust. Never was mother more tender of her child than the majority in their bill have been of the sugar trust, that vigorous offspring of the tariff. The majority report of the Committee on Ways and Means itself comments on the fact that four-tenths of 1 cent per pound is left upon sugar as a duty and that goes directly to the trust. It can go to nobody but the refiners; and it is a fact known of all men that they are now organized in a trust; and this is an effort on the part of Congress, or rather it is a consent on the part of Congress, when breaking down the sugar duties, to leave that which benefits the trust and that alone.

Mr. McKINLEY. Will the gentleman state how much the Democratic tariff bill gave to the refiners? It was more than four-tenths of a cent per pound, was it not?

Mr. McMILLIN. The bill reported by the committee in the last Congress reduced the duty on sugar \$12,000,000. We did not go into the destruction of the sugar duties, leaving only that which would benefit the trust, as this bill does. Besides, the trust was not then organized.

Mr. McKINLEY. Did you not give them six-tenths of a cent per pound, while we give them only four-tenths, a differential duty of six-tenths of a cent? [Laughter and applause on the Republican side.]

Mr. McMILLIN. But, Mr. Speaker, the gentleman ignores the fact that we proposed merely a reduction of the duty, and that we were still seeking to get a large revenue from sugar, more than forty millions. In your bill you repeal the duty, you sacrifice \$55,000,000 of revenue, and give a bounty in order to do it, and the only thing that you leave untouched is that which benefits the sugar trust.

Again, whilst we left a duty on refined sugar, we taxed the raw sugar. We taxed the refiners' raw material and gave a duty to compensate for this on the refined commodity. But the protection given was not so great as is given by the McKinley bill after you deduct the tax on the raw material which the Mills bill carried. Hence, I repeat, the McKinley bill is so framed that it will benefit the sugar trust. It has caused a rise in the trust securities and will cause a further rise if it passes.

[Here the hammer fell.]

Mr. McMILLIN. I regret, Mr. Speaker, that the expiration of my time prevents me from discussing this bill at greater length.

Mr. GEAR. Did not the bill introduced by the gentleman—

The SPEAKER. The time of the gentleman from Tennessee [Mr. McMILLIN] has expired.

Mr. GEAR. I would be glad to ask the gentleman a question.

Mr. EZRA B. TAYLOR. I yield five minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, I had the pleasure of introducing in a Democratic Congress the first resolution introduced on this subject; and for six months, before a committee controlled by what is now the minority, the majority then, evidence was taken upon the subject of "trusts." The Republicans stood here ready to vote upon that question; but after you had spent thousands of dollars of the people's money in taking evidence no bill was ever presented in that Democratic House to give the people's representatives a chance to vote on the question.

The real cry that comes up from the other side of the House to-day is, "Feed the trusts." You had told us for years that the tariff protected the "trusts." As a friend of the tariff, as a friend of protection, representing the working people of my district, I asked an investigation by this House to ascertain the effect, if any, that the tariff had upon "trusts;" but you gave us no chance to vote upon the question. You use the "trust" as a bugaboo to frighten the people away from the Republican party into your ranks. That is the reason you do not want the Republican party to strike a blow at trusts to-day. The moment that we strike down trusts in this country that moment there is taken away one of the principal elements of your political talk in seeking to drive the farmers away from the Republican party into the Democratic party. [Applause.] This is why gentlemen on the other side seem fearful that we may strike a blow at the trusts. You have complained against them for years. Ever since I have heard you talk you have talked about "monopolies and trusts;" you have said, "The tariff produces the trusts; the trusts are robbing the people." And now we propose that one of the first acts of this Republican Congress shall be to strike down this giant which every man knows has destroyed legitimate competition.

Some say that the trusts have made products cheaper, have reduced prices; but if the price of oil, for instance, were reduced to 1 cent a barrel it would not right the wrong done to the people of this country by the "trusts" which have destroyed legitimate competition and driven honest men from legitimate business enterprises. We propose now to strike down these "trusts;" and you stand there and say, "The trusts are protected by the tariff." My friend from West Virginia [Mr. WILSON] says: "Do not destroy these giants; let them grow; let them stalk through this country; we will use them as an ar-

gument to drive the people away from the Republican party and into our ranks." Consistency is a jewel!

One word more and I am done. The gentleman says, "We do not know what the Supreme Court will decide on this question." You never passed a law aimed at a giant of this kind that you did not have to take it to the Supreme Court to settle it. They will take us there, of course. If you are honest in the position you take on this question—if you believe, as you say, that the "trust" is a bad thing for the people—help us to strike one blow at this great evil, or refuse, and then go home to your constituents and explain your position on this matter.

Just one moment more. The gentleman from West Virginia may be started on any subject, and in his genial way he nearly always gets around to Alexander Hamilton and the tariff. [Laughter.] We will take up that question and discuss it with you later. We on this side are ready to meet you upon that issue. We are ready to go to the people of this country upon our bill as against yours. We have no fear.

But in regard to the particular question now before us we say to you, help us to help the people of the country; do not stand back.

My friend from West Virginia says: "You invite trusts, and then when you have brought them in you want to kill them." If the protection of American industry is an invitation to trusts, if there are combinations in this country that want to take advantage of just laws designed for the protection of the American workingmen, then I say let us give just protection to the laboring classes and as a part of the same protection let us strike at those combinations the blow which we are seeking to strike in this bill.

This question of protection will not "down" in this country. You can not in striking at "trusts" "down" the protective system. It has come to stay. The young men of this country have settled it, the old men are agreed, that there shall be and there can be no further competition with American labor except upon American soil. [Applause on the Republican side.]

Mr. EZRA B. TAYLOR. I yield ten minutes to my colleague [Mr. BUTTERWORTH].

[Mr. BUTTERWORTH withholds his remarks for revision. [See Appendix.]

Mr. EZRA B. TAYLOR. I now yield the remainder of my time to the gentleman from Texas, and hope that he will have occasion to use but little of it.

Mr. CULBERSON, of Texas. How much time have I remaining?

The SPEAKER. Thirty minutes.

Mr. CULBERSON, of Texas. I desire to give notice that I would like to call the previous question on this bill as soon as possible within thirty minutes. I will be compelled to yield time to some of the requests of gentlemen on this side of the House. I now yield to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Speaker, considering the importance of the bill under discussion and that it has been projected upon the consideration of the House without an hour's notice, I think that the feeling of surprise expressed by the gentleman from Ohio [Mr. BUTTERWORTH] at the course which was pursued by the Committee on Rules in thus precipitately bringing the question forward for immediate disposition is a very natural one.

A few days ago I had the honor of introducing into this body a resolution to make this bill the special order for the 8th instant and providing that it should be a continuing order from day to day until disposed of. I confess to some surprise that the Committee on Rules should have ignored the justice of a demand for time and opportunity for the proper examination and full discussion of a subject second in importance to none pending before Congress, and that they have seen fit to place it before us under such limitations of time for debate as to leave us the only alternative of accepting the measure, for good or for evil, in its present shape or of rejecting it altogether.

Under such conditions, Mr. Speaker, I shall not hesitate to accept the bill as it came from the Senate, and hope that the House may be willing to thus accept it, rather than to amend it inconsiderately, or in such way as to detract from its symmetry, or to imperil, in the slightest degree, the chances for agreement between the two branches of Congress on a measure which will at least serve as a foundation for proper legislation on this vitally important subject.

The bill as it is now presented to us has the sanction of an almost unanimous vote in the Senate and the unanimous approval of the Judiciary Committee of this House. I confess, Mr. Speaker, that this status justly commands our respect, for in neither of those bodies was this question a new one. In the last House no less than twelve different bills upon this subject were referred to the Judiciary Committee and were there considered, and a majority of those members constituting the Judiciary Committee in the present House had the benefit of that investigation.

In the Senate, also, bills aimed to accomplish the object for which this is designed were considered and discussed in the Fiftieth Congress, and at the beginning of the present one the bill for which the one now before us is a substitute had the distinction of being the first introduced in that body. After having been considered by the Finance Commit-

tee and favorably reported therefrom, it was most ably discussed, and its defects as they then appeared were pointed out, whereupon it was referred to the Judiciary Committee, composed of some of the ablest lawyers in the country, who, happily being led by the light of extended investigation and full discussion, reached by unanimous agreement the result presented in this bill.

I insist, therefore, Mr. Speaker, that in the presence of the great demand for legislation upon this subject, and the high commendation with which this measure comes to us, there is nothing left to us under existing circumstances but to accept it, hoping that it may justify the expectations of its framers and reach effectively the giant evils at which it is aimed. It may not be perfect; indeed, sir, it would be strange if the initial act upon this subject should not call for amendment and development; but, as has been well said by the distinguished gentleman from Texas [Mr. CULBERSON] who reported this bill to the House, "It is at least a step in the right direction."

Experience teaches us that original legislation upon important subjects should always be conservative, for the reason that when you shall have applied to a law the test of its operation, under the influence of judicial interpretation, upon the persons and things which it was designed to affect, you are not only prepared to judge it correctly but also qualified to propose those amendments necessary to remove friction in action, and to give vitality to weak provisions, as well as to relax those clauses which are too harsh for enforcement. We must remember, Mr. Speaker, the magnitude of the interests to be affected by this legislation, as well as the imperative demand of an outraged people for its enactment; and in the contemplation of this prudence will dictate our course.

It will be remembered that the present interstate-commerce laws of this country are not the work of a day, nor of one Congress; but that it was ten years from the date of the first determined effort, led by such men as REAGAN, CLARDY, HOLMAN, and others in the House of Representatives, till the first law upon that subject went on our statute-book, and that after four years of experience under it, administered as it is by a commission of the highest character for ability, energy, and integrity, aided by the courts of the country, Congress learns, year by year, changes that are necessary to make effective the wise and patriotic purposes of that law.

So, Mr. Speaker, we will hereafter find it necessary, no doubt, to add to and perhaps take from some of the provisions of the bill before us; but having once started on the right course, animated by a desire to secure for our people relief from the most odious despotism of monopoly that ever cursed any country, who can doubt the ultimate result? Some gentlemen express the opinion that this bill does not go far enough. It should be sufficient answer to such criticism, Mr. Speaker, to state that such lawyers as EDMUNDS, VEST, and COKE, of the Senate, and such as CULBERSON, EZRA B. TAYLOR, ROGERS, and STEWART, in the House, declare that in this bill we go as far as in their judgment is permitted under a safe construction of constitutional limitations.

It has been well said by the gentleman from West Virginia [Mr. WILSON] that the place to go for authority to strike the root of these evils growing out of trusts is to the Legislatures of the different States from which the charters of incorporation issue. That is unquestionably true so far as concerns the trusts and combines composed of different corporations united, but not in the case of combination among individuals, whose power to oppress comes not from authority of any kind, granted from any source, but from the absence of legislation of a national character which might restrain their nefarious operations carried on in any State or States, under conditions which subject them to Federal control.

The States may forfeit the charters granted by them respectively to corporations which abuse their grants, and thus reach, with some measure of punishment, the citizen—natural or artificial—operating illegally within their borders; but proper investigation of this subject teaches that when the States shall have respectively done all that lies within their power there still is left to Congress a part to perform in this work, which in order to be effective must extend over all the States and Territories of this country.

Some of the States have begun their work, and begun it courageously and with the determination to properly co-operate with other States and the National Government in doing whatever may be necessary, within the limitations of their constitutions and of the restrictions contained in the Constitution of the United States, to crush out those unholy and defiant combinations which for the enrichment of a few persons have made paupers of millions of honest and helpless people. I am proud to say that my own State has taken advanced ground in the fight so well begun, and in her support and on behalf of her citizens I now call upon the Representatives here of all the States to do their duty and to strike hard the blow aimed at the existence of these arrogant oppressors of all our people.

A single combination, or trust, known as the "dressed-beef combine" of Chicago and New York, aided and abetted by certain railroad lines, has within a few years last past absolutely prostrated the live-stock interest of the West and impoverished whole States and Territories by their infamous operations; and unless Congress, in aid of

the States and Territories affected, puts forth its hand to stay this wholesale destruction of that great agricultural section, universal ruin will be the portion of its people.

As the result of an honest, able, and fearless investigation made by a committee specially raised in the Senate for the purpose of exposing the practices of said combination and of pointing out to Congress and to the country the course necessary to be pursued in legislation for the correction of its evils, we have all the evidence necessary to prove its existence, power, and audacity, and the provisions of this bill are believed by its authors to be broad enough to enable the people to crush out the existence of this great curse. If this belief be well founded, the good that will be accomplished by the operation of the act upon the one combination referred to will be sufficient to establish its value as one of the wisest and best laws ever passed by an American Congress with reference to the commerce of the country.

But, Mr. Speaker, this giant robber combination, while perhaps the most damaging of all of its class to the interests of our people, is only one of many which by their methods extort millions from the citizens of this Republic without adding one cent of value to our productions or one iota of increase to our prosperity. In fact, the very object of these giant schemes of combined capital is not to increase the volume of supply, and thus lessen the cost of any useful commodity, but rather to repress, reduce, and control the volume of every article that they touch, so that the cost to consumers is increased while the expenditure for production is lessened, and thereby their profit secured.

We know that by such means the trusts which control the markets on sugar, nails, oils, lead, and almost every other article of use in the commerce of this country have advanced the cost of such articles to every consumer, and that without rendering the slightest equivalent therefor these illegal conspiracies against honest trade have stolen untold millions from the people.

Then, with a knowledge of all these facts and acknowledging our duty to the people who are being robbed, and who must rely upon us for protection against the robbers, we must this day decide whether we will make an effort to destroy these combinations or by acquiescence in the continuation of the wrongs become parties to the wrongdoing. I believe we have the power to uproot and utterly destroy these evils and I know that it is our duty to try it and try it now; and I sincerely hope that this House may entitle itself to the respect and confidence of the people of the country by this day giving to this our best effort the indorsement of a unanimous support.

Mr. CULBERSON, of Texas. I yield five minutes to my colleague on the committee, the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the origin of this measure entitles it to the most friendly consideration. So high a body as the Committee on Finance of the Senate of the United States, headed by Senator SHERMAN, whose large and long experience as well as great ability is known to all, formulated and presented to that body a measure which, when brought under the scrutiny of the law, was completely eviscerated and destroyed. After nearly ten days of consecutive debate in the Senate, participated in by some of the ablest lawyers in this country, that bill was recommitted to the Judiciary Committee of the Senate, and in that committee this bill originated.

I mention these facts to show how unwise it would be for us to adopt any amendment framed upon the desk of a member, without the most earnest and careful consideration in the light of cases adjudicated by the Supreme Court of the United States. I undertake to say now that if the amendment offered by the gentleman from Missouri [Mr. BLAND], earnest and conscientious as he always is upon public questions, were brought to the test of adjudicated cases, it would not hold water for a minute.

One word now about this bill. I have read, I believe, almost every measure presented in either body during the present and the last Congress upon the subject of trusts. I have never yet seen one except this, based upon the judicial power of the Constitution, that could receive my sanction in this great body under the obligation of my oath. Various bills upon this subject have been introduced. Some have been sent to the Judiciary Committee of the House, framed upon the taxing power of the Constitution, that I would be very glad to have an opportunity to support.

Yet, Mr. Speaker, while I am willing to give my sanction to this bill, I give it just as I gave it to the interstate-commerce bill, filled with doubts, yet compelled by a sense of the exigency and the emergency of the occasion to do whatever seems best that we have the power to do under the Constitution to afford a remedy for the evils under which the country is now suffering. And so, Mr. Speaker, not satisfied even that there is not great harm in this conservative measure—which I believe to be within the scope of the Constitution, for otherwise it could not receive the sanction of my vote or my voice—I yet fear that we will not achieve by it, when it is brought into practical application, that which we so much hope for and which is so much to be desired.

When the interstate-commerce law passed I felt precisely that way, and I am not yet prepared to say that we have seen enough of the operation of that law to justify the belief that the people of this country have derived any substantial benefit from it. But, Mr. Speaker, that law is here to stay, it is here to be improved, it is here to be amplified,

it is here to be enforced, as this law is here to stay, to be amplified in the light of experience, and to be enforced for the correction of the great evils which it is intended to remedy.

I hope from it the very best results, in this, that it gives a precedent for State legislation, and the courts will soon demonstrate to the country that Congress can not, unaided, afford the relief desired, but that all the States must act in the premises if they would be freed from the oppressions of trusts. However far the bill may fall short of the ends we desire, nevertheless I believe its author is entitled to the thanks of the country.

Mr. CULBERSON, of Texas. I yield one minute to the gentleman from Illinois [Mr. FITHIAN].

Mr. FITHIAN. Mr. Speaker, the bill under consideration receives my most hearty approval, and I shall take great pleasure in giving it my support. I regret that in dealing with a measure so important to the country sufficient time has not been allowed to give it that full consideration to which it is entitled. I have been listening, not without hope, for some measure or measures to be taken up during this session looking to the relief of the farming constituents that I have the honor to represent.

When a representative of the people enters upon the discharge of his duties he occupies a most responsible position to his constituents, whose servant and agent he is, and therefore the best interests and the welfare of his constituents should receive and command his most unselfish thought and action. Believing that he serves his party best who serves his country best, animated by a desire to do what is to the best interest of the people that I represent, such shall guide my course of action. It is desirable that whatever is to be done or undone to benefit, improve, and advance the great interests of all the people should be most carefully considered and acted upon in the light of the best and truest interest of the great masses of the people.

He who reads and observes the signs of the times must have discovered ere this that there is something wrong in the great agricultural regions of this country.

The golden era of prosperity that was to set in on the advent to power of the present Administration has not been realized. Even the "home market" has ceased to perform its so-called functions, and the people are looking to their chosen representatives for some relief from the burdens of unjust taxation and unjust laws. A few days ago two days of the valuable time of this House were occupied in the discussion of matters, which, if true, would not help in solving the great problems that are confronting our people in their desperate struggle to maintain an existence and ward off impending disasters.

Some of the chosen representatives of the great corn-burning districts of the Northwest have sat here in mute silence, except to engage in the discussion of obsolete stories of Southern outrages and the dead issues of the past, while the money-power and blood-sucking vampires are tightening their grasp upon the homes of their constituents, with no time to discuss measures for their relief.

Let us give our attention to the living, struggling masses making the fight for a living for themselves and families and to retain their homes before we disintomb the dead and fight over again the battles and dead issues of the should-be-forgotten past.

To these three general precepts Justinian reduced the whole doctrine of the law:

That we should live honestly, hurt nobody, and render to each his just due.

What noble institutions governments would be among men if administered according to these precepts. The creation of a trust is dishonest in its inception, it is hurtful to the whole people, and it renders to no one "his just due." Trusts and unlawful combinations to interfere with commerce were denounced by the common law of England, and if the people of the United States have not the power to prohibit and punish such pernicious evils the Government may as well be pronounced a failure. While the legislation in this bill may not be all that is needed for the suppression of the evil of trusts it is a forcible recognition of the contrary doctrine to that announced in the last campaign by an eminent gentleman and a member of the present Cabinet, that "trusts are private affairs, about which the people and the Government have no concern."

At the beginning of this session of Congress I introduced a bill in this House which, if enacted into law, with a few needed amendments which I now see necessary, would effectually eradicate the evil of trusts or transfer the scenes of operation of the gentlemen engaged in these unlawful, swindling combinations behind the bars. The bill under consideration may not be all that the friends of the masses would desire, but, as the best measure that can be passed at this session of Congress for the suppression of the evil of trusts I shall give it my support.

As a measure in the right direction I hope to see the bill become a law, leaving it to the future to remedy any defects or imperfections that it may possibly contain. It has passed the examination of the Judiciary Committees of the Senate and House, and received the careful consideration of the gentleman from Texas, [Mr. CULBERSON], who is recognized by every one as a constitutional lawyer of great ability, and I believe that it will stand the test in the courts.

I shall not bandy words with gentlemen who may want to differ with me as to the primary cause of trusts. It is sufficient for me to know

that they exist; that they are an evil; that they are destroying the legitimate commerce of the country; that they enhance the price of commodities to the people beyond an honest profit, and that they are a crime against the Government and against the people. These causes are sufficient to call for the intervention of the power of the Government for their suppression. They are destructive to commerce by interfering with competition. Skill is created and stimulated by competition. A recent writer on political economy says:

Wherever monopoly is dominant, the incentive for improvement and skill is deadened. It is only when competitors contend with each other for the favor of the consumer that they are stimulated to attract that consumer by presenting him with wares both skillfully and cheaply made.

Competition when left free, and when combinations are not formed to prevent the operation of natural laws, will regulate the price of every commodity and will bring the price down to the level of an honest profit. No one, however, who studies the question with a view of obtaining the truth will assert that a protective tariff does not have more or less influence in creating and fostering trust combinations.

Wherever there is free, healthy competition there can be no combination to create fictitious prices of commodities, except where the supply of the article is limited by natural causes. The tariff has its influence in fostering trusts by shutting out foreign importations and thereby preventing competition with the domestic article. This kind of legislation is necessary to reach trusts which control the prices upon articles where the supply is limited by natural laws, but the most effective way to deal with trusts where they operate to increase the prices on articles upon which a tariff duty prevents the competition of the foreign article with the domestic article is to repeal the tariff duty and place the foreign article on the free-list.

With that idea in view I have introduced bills to place sugar, salt, hemp, manila, jute, twine, lumber, and all kinds of agricultural implements on the free-list, which I afterwards followed up with a resolution asking the Ways and Means Committee to make separate and independent reports upon each bill, so that the question of placing on the free-list these articles, the prices of all of which are more or less affected by trust combinations, might be considered independent and separate from the consideration of other questions in a general tariff bill. My bills to place these articles on the free-list and my resolution, like my anti-trust bill, sleep, in the committees to which they were respectively referred, that sleep that knows no wakening.

I believe that the Government in the exercise of its sovereign power has the right and that it is its duty to enact such legislation as will both prohibit and punish crime.

Legislation in the interest of the people should not stop with this bill. Many other measures are needed in the interest of the farmers of this country whose business has almost been destroyed by unjust legislation. They see the product of their toil annually taken from them and bestowed upon the favored classes. They begin to think that the Government is no longer a Government of the masses, but is a Government of the classes, and is administered upon—

The good old rule,
* * * * * the simple plan,
That they should take who have the power,
And they should keep who can.

The Farmers' Mutual Benefit Association is organized in many of the States by school districts. They have united in memorials to this Congress praying for relief. Many of these memorials I have myself presented to this House, and they have been referred to the Committee on Agriculture, but so far these memorials seem not to have excited the notice of the majority of that committee.

I represent a district where we have no arrogant millionaires, no trusts or plutocratic nabobs. Our people are plain, honest people; but our country has felt the power of these men who have spread their mortgages upon our Western farms as a monument and everlasting reminder of our folly in supporting a policy of government that has taken from our people the wealth that they have produced and placed it in the pockets of the privileged few.

Born and raised on a farm, I was taught in my early youth to know its daily hardships and labors, its needs and its wants, and having continued to be more or less identified with the interests of the farm, I have learned by practical experience that farming has become unprofitable. I feel that it is my duty, not only as a representative of a farming constituency, but as one who knows from observation of the great depression in this most honorable pursuit, to call the attention of the House and the country to some of the wants of our agricultural people, although no member of this House can excuse himself on the plea of ignorance of the dire distress that confronts the farmer in his effort to support his family and save his home.

I desire to have read as a part of my remarks extracts from a very lengthy personal letter from one of my constituents, a plain honest farmer, a man of good judgment and ordinarily of conservative views.

The Clerk read as follows:

I have no doubt you are very much annoyed by the constant receipt of communications from your many constituents, and I have withheld writing to you, fearing you would have so much unimportant matter of the kind that it would be a source of discomfort to you; but at the risk of your thinking it impertinent I will write down some ideas gathered from observing the signs of the times. You will observe that there is great dissatisfaction at this time among the farming and laboring people of the country, especially in the West. Plutocracy

and giant monopolies are not satisfied with the personal wealth of the country. They are impoverishing the people that they are compelled to place mortgages upon their homes, with no hope, only to delay for a few years the inevitable fate that awaits at least one-half of those who have been rendered helpless by base and unjust legislation which has legalized the robbery of the people, making the poor and middle classes the slaves and servient tools of the money power.

We have an example in the history of Rome. For many years after Rome had grown to greatness, the cultivation of the soil was not only deemed honorable, but was regulated by law, in order that agriculture might yield the largest returns to labor, and be in reality the great conservator of the empire.

"The Romans," says Frederick von Senleget, referring to the last days of the Republic, "were a thoroughly agricultural people." Changing this splendid basis of prosperity, permanency and power, resting in the soil, Rome pierced the heavens by the force of thought; she grew proud and oppressive; the reins of power slipped from the hands of the middle classes; labor became disreputable, the soil a monopoly, and the masses of the people reckless, unpatriotic, and degraded.

"A few proprietors held the land and owned the labor. The poverty of the many, with its evils of want, ignorance, and dependence existed by the side of excessive wealth and the culture of the few. The lands in Italy and the conquered provinces, instead of being given or sold as free homesteads to the poor, were apportioned among the families of the great. This monopoly of the land and condition of labor operated unfavorably to agriculture and thus to the prosperity and permanency of the empire. These causes were destructive to intelligent, interested, and really productive agriculture. The laborer felt no moneyed interest, no personal pride in the result of his toil, and all progress and agriculture was retarded.

"The voice of history proclaims in the clearest manner that free labor and ownership of the soil by the laborer, if possible, are necessary conditions to the highest success in agriculture and national prosperity. Rome remained free while her middle classes retained a controlling influence, but when the tenure of the soil passed into the hands of the few, the incentive to industry, to order, and to a quiet life was gone. Cut loose from the ties of home and maddened by the bad example of the landed aristocracy, the poorer classes lost their old love of country and liberty. In the age which preceded the fall of the Republic it was computed that only two thousand people or citizens were possessed of any independent subsistence. When the prodigal and thoughtless commons had imprudently alienated not only the use but the inheritance of power, to wit, their own homesteads and free life, they sank into a vile and wretched poultice."

Such is one of the great lessons of history, and any nation that desires permanent prosperity and power should learn it well, wisely protecting labor from the avaricious and grasping power of capital, protecting and stimulating by wise legislation the toiling millions to renewed effort; to secure for their loved ones subsistence, if not equal to the protected millionaire, at least sufficient for the poor middle classes of the proud, the noble, the free and happy land of North America. Wise legislators and grave Senators have sat in the councils of the nation, regardless of their solemn oaths of office, regardless of justice, honor, or even common decency and respect; have enacted laws that protect the robber tariff barons and monster monopolists in stealing, in robbing, in fleecing from the laboring masses their hard earnings to pamper and fill the already overflowing coffers of the rich.

The newsboy who fleeces the price of the daily paper, and that, too, one of the dirtiest, filthiest robber protection papers of our once happy land, is arrested and taken to the work-house or at least convicted of petty larceny. But the man who steals his millions, who can create a corruption fund out of the stealings, legalized by those perfidious scoundrels who are our worthy statesmen in the halls of legislation, by the means of those millions stolen from the people can muster blocks of five and march them to the polls to defeat justice and continue robbery, high-handed robbery of the people and bribery at elections. Great God! What infamy! What shame! What disgrace to the great names of the truly great men who once stood at the helm of the great ship of state!

But this wrong must be righted, this injustice thwarted. We can not lose our homes and turn our loved ones shelterless out upon the tender mercies of the money power. We can not longer bear this burden. We are carrying the national debt, interest, and all the subsidies for the encouragement of everything under the heavens that those great statesmen can think of except us. We are sweating and toiling from early morn to dewy eve; our limbs grow weary, but we dare not stop to rest. The millionaire wants more; the subsidy-grabber cries for more, and we must carry the load. Is it not time to unload? Is it not time to call a halt? There is a point beyond which it is not wise to urge further on even an overburdened beast, let alone men—intelligent men.

There is a cloud in the West. You know cyclones come from the southwest. Let them beware. The premonitions are good for a little storm. The electricity is strictly purifying. The political atmosphere needs purifying and somebody may get stunned. It must come, it will come, and somebody will wish then they had been more reasonable and not been so burdensome to the toilers, to the laborers, and the farmers.

My God! was ever a free people so unjustly imposed upon? Millions of indebtedness and millions of daily accruing indebtedness fastened upon the back of the laborer. How many days of labor will it take to discharge the obligation? Who can compute it? No time to look after our own interests—we can scarcely get time to vote, we are so busy in laboring to support our families, paying the millionaires their lawful demands, made so by our wise statesmen, and in paying the bonded indebtedness and coupons, which noble Senators and wise statesmen exempted from taxation.

But I will stop this. It is so unjust and unreasonable to the toiling millions to be compelled to do as we are compelled to do. It looks like fiction in the land of the free and the home of the brave. There is a strong tide setting in in favor of home, of justice, and of right. Tell those proud representatives that the storm cloud approaches. Somebody will be left at home; fight our cause, put yourself on record for the right, and when next November comes around you may expect to hear from us.

Mr. FITHIAN. This letter shows how seriously the situation is regarded by the farmers and shows the excited state of the public mind among the agricultural people and their dissatisfaction and unrest.

The condition of affairs that exists to-day among the farmers is not without cause. No class of laborers in this broad land put in more faithful hours of honest toil than the farmers. Other laborers are demanding eight hours for a day's labor. The farmer's labor does not end with eight or ten hours, but begins with the peep of day and ends only when the darkness of night obscures the heavens and spreads its mantle over the face of the earth. The demands of the farmers for remedial legislation are both reasonable and just. I ask the members of this House what has been done in recognition of the rights of these hard-working people.

"Equal and exact justice to all; special privileges and immunities to none" is their just and reasonable demand.

Weak and hypocritical pretenses will not satisfy these earnest and determined men in their desperation to save their homes and protect their families. I warn gentlemen this is no fancy picture overdrawn, but stubborn, sober facts that it may be profitable for them not to ignore.

I desire to have read the following, which is the last verse of a "lyric poem" clipped from a Kansas newspaper. The verse must have been written by some Kansas corn-burner, and I ask to have it read as a friendly warning to gentlemen who may be disposed to disregard the demands of the farmers.

The Clerk read as follows:

An' once there was a Senator who wouldn't mine the prayer
An' the interests of his people—he was a millionaire;
His office was a boughten one, with corporation wealth,
Of a set of legislators as dishonest as himself;
But just when he warn't lookin' the people got the scent
Of the dirt 'at he was playin', an' his underpinnin' went,
An' down he come kerwollop; they knowed what they's about,
An' the Grangers 'ill git you, too, ef you don't watch out.

Mr. FITHIAN. I call the attention of the House and ask to have read the following statement of the farm-mortgage indebtedness of six of the great agricultural States of the West and Northwest, taken from the Bankers' Monthly, which ought to be good authority on this subject. The interest was computed at the rate of 6 per cent., which is perhaps lower than the average:

States.	Farm mortgages.	Interest.
Kansas	\$235,000,000	\$14,000,000
Indiana	645,000,000	38,700,000
Iowa	567,000,000	34,020,000
Michigan	500,000,000	30,000,000
Wisconsin	367,000,000	22,020,000
Ohio	1,127,000,000	67,620,000

I regret that the statement does not contain the figures of the farm-mortgage indebtedness of my own State of Illinois, but I think it is safe to say that it is not less than that of the State of Indiana and perhaps equal to that of the State of Ohio.

The report of the State board of agriculture of Illinois for the year 1889 shows that the total value of the corn crop for the year 1889 in Illinois was \$58,337,049 and that the total cost of the production of the same was \$68,272,872, making a total loss to the farmers of Illinois for the year 1889 of \$9,935,823.

The question is, What is to become of the agricultural interests of this country if something is not done, and that speedily, too, for its relief? The time has come when class legislation must cease. Those who are familiar with the depressed condition of agriculture will not deny that the farmers have just, righteous cause for complaint. This Government is ceasing to be the Government of the people, for the people, and by the people, but is becoming a Government of the classes, for the classes, and by the classes.

The accumulation of large fortunes in the hands of a few individuals in many instances is the result of class legislation and Government paternalism. The wealth of the nation is rapidly passing into the hands of a few. I hold that no man can accumulate a million of dollars in a lifetime in honest and legitimate pursuits. I am, therefore, in favor of a graduated income tax, exempting those of moderate means and increasing the tax proportionately to the income. If I had my way I would make the man who owns two millions of dollars give one to keep the other. Instead of making the poor and unfortunate bear the burden of taxation, as is the case now, this would equalize taxation and compel the millionaire to contribute his share to the support of the Government.

Every person should be permitted to have and retain the legitimate returns of his honest labor, after paying his equal share to support the Government; but these large fortunes are not the returns of honest effort, but are the accumulations of gambling schemes and class legislation, little short of highway robbery, made possible by unjust laws. These large fortunes under our system of collecting revenue do not pay their share of the burdens of either State or Federal government, but the poor man whose little effects are visible is made to pay more than an equal share of taxation in the support of State and municipal governments, and in support of the National Government he is made to bear a still more heavy load of taxation, by reason of the fact that the articles that he has to buy and consumes are more heavily taxed than the articles consumed by the millionaire.

I am in favor of free and unlimited coinage of silver. I am in favor of increasing the circulating medium to the extent that it will be amply sufficient to meet the demands of trade. These are measures of relief that should be offered at once. But I am opposed to increasing the circulation of national banks 10 per cent., as provided in the bill for that purpose now pending in this Congress. I am opposed also to loaning the surplus to national banks at all, with or without interest. It would be better that the Government had no surplus to loan, and the better way would be for the Government to reduce taxes so there would be no surplus to loan.

The Government has no use for money except sufficient to honestly

and economically administer its affairs, and when more money is taken from the people by which a surplus is created to be loaned or deposited with national banks it is robbery pure and simple. This surplus is wrongfully taken from the people. It is the people's money and should be left with the people in the legitimate channels of trade, and not given to banks to be loaned to the people at large rates of interest. It amounts to the people borrowing their own money and paying large rates of interest to the banks and money-lenders for the privilege of using what already belongs to them by right.

In view of this condition of affairs, the almost universal demand coming from the farmers for the abolishment of the national-banking system rests in reason and is founded in the law that self-preservation is the first law of nature. The practice of depositing the surplus money of the Government in national banks has been justified upon the ground that it has been necessary to prevent a stringency in the money market. Whether the practice can be justified upon this or any other ground is a question, but it is evident that the foundation of the evil is in maintaining a system that allows a surplus to any considerable extent to accumulate in the vaults of the national Treasury.

The farmers recognize that this is not a paternal Government. They do not demand class legislation. While a few extremists may demand bounties, subsidies, and class legislation, viewing matters from a false standpoint, the great masses view with disfavor class legislation for any interest.

While it has been suggested to pay bounties to the growers of wheat and corn and other class legislation has been suggested as a relief or panacea for the ills of the farmer, no farmer who has studied the pernicious effect of class legislation will favor it. They recognize that the people are the Government and that the people must support the Government. All the money and wealth the Government has must come from the people by taxation, and any special privilege granted to a class must be by taxation and at the expense of the whole people.

While the farmers bear the greatest proportion of the burdens of taxation, any special privileges for the farmers would be in effect taxing themselves for the benefit of themselves. It would be like a man attempting to lift himself over the fence by his boot-straps. Worse than that, the money would pass through the hands of a horde of official tax-gatherers who would take 25 per cent., and perhaps more, before it would get back to the source whence it came.

Class legislation can not be justified upon any theory consistent with honest government. Let us go back to first principles and have no privileged classes. Let every person sell the product of his toil in fair and legitimate competition in the market that will afford him the best prices and buy his necessities in the market where he can buy the cheapest.

Under the rules of this House by which the Speaker can "see a quorum" you of the other side have absolute power of legislation and can pass any bill in twenty-four hours that you wish to become a law. No obstructions will come from this side of the House in consideration of public measures for the relief of the people, and against your will none would be available. Money wrung from the people by unjust taxation in excess of the needs of the Government is a standing temptation to public plunder.

Public-building jobs, private claims, ship-subsidy grabs, river and harbor steals, and many other schemes to reduce the surplus have had full and unmolested sway in this Congress to the exclusion of public business in the interests of the masses of the people. The large and overflowing surplus in the national Treasury is rapidly disappearing by the extravagant and needless expenditure of the people's money, and unless there is a change in the tendency of legislation this Congress will adjourn with a deficiency, with no relief to those burdened by over and excessive taxation, but a demand for more taxation and more money.

Reduce the revenues to the legitimate needs of the Government, stop the looters of the national Treasury, suppress trusts, and give the plain, common, honest people of this country a chance; give the masses of the people a chance for once, and stop the unceasing and never-ending grabbing of the avaricious few. Do this, and let the farmer buy his necessities in the same market where he is compelled to sell his surplus; stop class legislation, give the people free and unlimited coinage of silver, make the circulating medium sufficient to meet the demands of trade, put the money in circulation and stop giving it to national banks, and hard times will disappear to return no more. The farmer will lift the mortgage from his farm, will be able to supply his family with all the comforts of life, and will have money to loan, instead of being compelled to borrow.

Mr. CULBERSON, of Texas. I yield three minutes to the gentleman from Mississippi [Mr. STOCKDALE], and I desire to state now that after three minutes more, which I shall yield to the gentleman from Tennessee [Mr. ENLOE], I will call the previous question.

[Mr. STOCKDALE withholds his remarks for revision. See Appendix.]

Mr. CULBERSON, of Texas. I yield three minutes to the gentleman from Tennessee [Mr. ENLOE].

[Mr. ENLOE withholds his remarks for revision. See Appendix.]

Mr. CULBERSON, of Texas. I now call the previous question on the passage of the bill.

The SPEAKER. The Chair desires to state that there is a point of order pending.

Mr. CULBERSON, of Texas. I reserved a point of order on the amendment of the gentleman from Missouri [Mr. BLAND].

The SPEAKER. Does the gentleman desire to be heard on the question of order?

Mr. CULBERSON, of Texas. I do not.

The SPEAKER. The Chair does not think the amendment in order in the place where the gentleman from Missouri proposes to add it; that is, to the eighth section. It might more properly come in as section 2.

Mr. BLAND. Very well; I will offer it as an independent section, in accordance with the suggestion of the Chair.

Mr. CULBERSON, of Texas. I do not know whether the gentleman has the floor to offer it. I make the point that he has not the floor. I hope he will let this bill pass without the amendment.

Mr. BLAND. The bill may pass without it, and be utterly worthless; with it, it may be worth something.

Mr. CULBERSON, of Texas. That may be a question of opinion.

Mr. BLAND. I do not understand that because a bill is reported by a committee it must be perfect and nobody can amend it. The amendment I desire to offer may give the bill some little vitality. I submit that the amendment is pending, no matter where it comes in.

The SPEAKER. A point of order was reserved upon the amendment; but from anything that has been said the Chair does not know what the point of order is. If it is founded upon the idea that the gentleman had not the floor except for debate, that is one thing; if founded upon the question whether the amendment is germane or not, that would be another thing.

Mr. BLAND. I told the gentleman from Ohio I wanted to offer that amendment.

Mr. EZRA B. TAYLOR. The point that the gentleman had not the floor for the purpose of offering the amendment ought not to be made, because I said to him that he might offer it.

The SPEAKER. Then the Chair will have to overrule the point of order.

Mr. CULBERSON, of Texas. I demand the previous question on the bill and amendment.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment, as modified, of the gentleman from Missouri, on which the first question will be taken.

The Clerk read as follows:

Every contract or agreement entered into for the purpose of preventing competition in the sale or purchase of a commodity transported from one State or Territory to be sold in another, or so contracted to be sold, or to prevent competition in transportation of persons or property from one State or Territory into another, shall be deemed unlawful within the meaning of this act: *Provided*, That the contracts here enumerated shall not be construed to exclude any other contract or agreement declared unlawful in this act.

The amendment was adopted.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNATIONAL COPYRIGHT.

The SPEAKER. The Clerk will report the next bill on the order.

The Clerk read as follows:

A bill (H. R. 6941) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4952 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person, shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it or causing it to be performed or represented by others; and authors or their assigns shall have exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States."

SEC. 2. That section 4954 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4954. The author, inventor, or designer, if he be still living, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term; and such persons shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers printed in the United States for the space of four weeks."

SEC. 3. That section 4956 of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read as follows:

"SEC. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office

of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuery, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuery, model, or design for a work of the fine arts, a photograph of the same: *Provided*, That in the case of a book the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States or from plates made therefrom. During the existence of such copyright the importation into the United States of any book so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set within the limits of the United States, shall be, and is hereby, prohibited, except in the cases specified in section 2505 of the Revised Statutes of the United States, and except in the case of persons purchasing for use and not for sale, who import not more than two copies of such book at any one time, in each of which cases the written consent of the proprietor of the copyright, signed in the presence of two witnesses, shall be furnished with each importation: *And provided*, That any publisher of a newspaper or magazine may, without such consent, import for his own use, but not for sale, not more than two copies of any newspaper or magazine published in a foreign country: *Provided, nevertheless*, That in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translations of the same, and the importation of the books in the original language shall be permitted."

SEC. 4. That section 4953 of the Revised Statutes be, and the same is hereby, amended so that it will read as follows:

"SEC. 4953. The Librarian of Congress shall receive from the persons to whom the services designated are rendered the following fees:

"First. For recording the title or description of any copyright book or other article, 50 cents.

"Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, 50 cents.

"Third. For recording any instrument of writing for the assignment of a copyright, 15 cents for every hundred words.

"Fourth. For every copy of an assignment, 10 cents for every one hundred words.

"All fees so received shall be paid into the Treasury of the United States: *Provided*, That the charge for recording the title or description of any article entered for copyright, the production of a person not a citizen or resident of the United States, shall be \$1, to be paid as above into the Treasury of the United States, to defray the expenses of lists of copyrighted articles as hereinafter provided for.

"And it is hereby made the duty of the Librarian of Congress to furnish to the Secretary of the Treasury copies of the entries of titles of all books and other articles, wherein the copyright has been completed by the deposit of two copies of such book printed from type set within the limits of the United States, in accordance with the provisions of section 2 of this act and by the deposit of two copies of such other article made or produced in the United States; and the Secretary of the Treasury is hereby directed to prepare and print, at intervals of not more than a week, catalogues of such title-entries for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails, and such weekly lists, as they are issued, shall be furnished to all parties desiring them, at a sum not exceeding \$5 per annum; and the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles copyrighted under this act during the term of the copyright."

SEC. 5. That section 4959 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail, addressed to the Librarian of Congress at Washington, D. C., a copy of every subsequent edition wherein any substantial changes shall be made: *Provided, however*, That the alterations, revisions, and additions made to books by foreign authors, heretofore published, of which new editions shall appear subsequently to the taking effect of this act, shall be held and deemed capable of being copyrighted as above provided for in section 2 of this act, unless they form a part of the series in course of publication at the time this act shall take effect."

SEC. 6. That section 4963 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of \$100, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States."

SEC. 7. That section 4964 of the Revised Statutes be, and the same is hereby, so amended as to read as follows:

"SEC. 4964. Every person who, after the recording of the title of any book and the depositing of two copies of such book, as provided by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction."

SEC. 8. That section 4965 of the Revised Statutes be, and the same is hereby, so amended as to read as follows:

"SEC. 4965. If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph or chromo, or of the description of any painting, drawing, statue, statuery, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied and every sheet thereof, either copied or printed, and shall further forfeit \$1 for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale, and in case of a painting, statue, or statuery, he shall forfeit \$10 for every copy of the same in his possession or by him sold or exposed for sale, one-half thereof to the proprietor and the other half to the use of the United States."

SEC. 9. That section 4967 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4967. Every person who shall print or publish any manuscript whatever without the consent of the author or proprietor first obtained, shall be liable to the author or proprietor for all damages occasioned by such injury."

SEC. 10. That section 4971 of the Revised Statutes be, and the same is hereby, repealed.

SEC. 11. That for the purposes of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical shall be considered an independent publication, subject to the form of copyrighting as above.

SEC. 12. That this act shall go into effect on the 1st day of July, A. D. 1890.

Mr. EZRA TAYLOR. I yield to my colleague on the committee [Mr. ADAMS, of Illinois].

Mr. DUNNELL. Before the gentleman proceeds let us have order on the floor.

Mr. STOCKDALE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STOCKDALE. We that are away back there on the frontier can not possibly know what is going on in front, and when we come down in the Hall to hear the proceedings some other gentleman will insist on the point of order, and we have to go back to our seats. What shall we do?

The SPEAKER. The Chair is of the impression that the gentleman in that case should take his seat and submit to the inconvenience of the Hall which the wisdom of Congress has provided for the House of Representatives. [Laughter.] The Chair knows of no other solution of the difficulty.

Mr. ADAMS. Mr. Speaker, this bill is in substance—

Mr. CULBERSON, of Texas. If the gentleman will allow me a moment. Can there be any arrangement made about the time for debate on this bill?

Mr. ADAMS. I should be very glad if an arrangement could be made about the time. The Judiciary Committee have other bills in which they are interested. I know of some gentlemen who desire to speak against this bill, and I presume my friend and colleague is one of them. But if we can make any arrangement as to the time I shall be much gratified.

Mr. CULBERSON, of Texas. What do you say to four hours, two on a side?

Mr. ADAMS. I should regret that so much time was occupied on the bill. The gentleman himself is on the committee and knows we have other matters, and yet we have only to-morrow in which to present them.

Mr. CULBERSON, of Texas. Say an hour and a half, then.

Mr. EZRA B. TAYLOR. An hour.

Mr. HOPKINS. That is not enough. This is, in my judgment, one of the most important measures that will come before Congress during this or the succeeding session, and the limitation is too short. I think time should be given to every member who has investigated the subject to be heard upon it.

Mr. EZRA B. TAYLOR. Would an hour and a half do?

Mr. HOPKINS. Speaking for myself, and for myself only, that would be sufficient, provided that I could have forty minutes of the time.

Mr. CULBERSON, of Texas. The gentleman will be liberally provided with time, I am sure.

Mr. ANDERSON, of Kansas. I want twenty minutes.

Mr. HOPKINS. If I can have forty minutes I am content.

Mr. EZRA B. TAYLOR. If the gentleman can not get forty minutes on that side I am perfectly willing he should have a portion of the time from this side, not exceeding fifteen or twenty minutes.

Mr. HOPKINS. With the statement of Judge TAYLOR I withdraw the objection.

The SPEAKER. Is there objection to the request to limit the debate to an hour and a half on a side?

Mr. ANDERSON, of Kansas. I must have twenty minutes at least.

Mr. MILLS. Then let us make it two hours on a side.

Mr. ADAMS. I should prefer an hour and a half on each side. I think that is ample.

Mr. CULBERSON, of Texas. Then let that be the understanding.

Mr. HOPKINS. With the understanding that I am to have the forty minutes accorded to me, as suggested by the gentleman from Ohio—

Mr. ADAMS. If the time yielded to my colleague is to come from the time under my control, I do not think it will be enough.

Mr. HOPKINS. Well, if the gentleman in charge of the bill will not consent to the proposed agreement it seems to me that two hours on each side will be too short a time in which to discuss it.

Mr. ADAMS. I will give to my colleague twenty minutes of my time, if we can make this arrangement.

Mr. CULBERSON, of Texas. And I will yield to him twenty minutes.

Mr. HOPKINS. Then I withdraw the objection.

Mr. ANDERSON, of Kansas. This is a most important bill, likely to build up a good many monopolies in this country, and I suggest that the gentleman from Illinois make his opening statement, and then the other side can reply, after which perhaps some arrangement can be made as to time. I want twenty minutes myself.

Mr. ADAMS. I propose that there be an hour and a half on each side.

The SPEAKER. Is there objection?

Mr. ANDERSON, of Kansas. I object.

Mr. ADAMS. Then I will proceed, Mr. Speaker—

Mr. BREWER. The gentleman had better accept the two hours on each side; it will save time.

Mr. BUCHANAN, of New Jersey. That will cut off other bills that the committee have to present.

Mr. BREWER. But I think if the gentleman from Illinois makes his argument first there will be so many that will want to answer it that he will find it will take more time than that.

Mr. ADAMS. Then, let me propose an hour and three-quarters on each side; will that be satisfactory?

Mr. BRECKINRIDGE, of Kentucky. I understand that the practical effect of the suggestion of the gentleman from Illinois will be to give an hour and three-quarters on each side, of which time he proposes to yield twenty minutes to his colleague in opposition to the bill; so that it will amount to a little more than two hours on one side, and something less than an hour and a half in favor of the bill. That seems to be a very fair proposition.

The SPEAKER. Is there objection to the suggestion of the gentleman from Illinois?

Mr. SPINOLA. I reserve the right of objection for the present.

The SPEAKER. Objection is made; and the gentleman from Illinois will proceed.

Mr. ADAMS. Mr. Speaker, this bill is substantially the same as the Chace-Breckinridge bill introduced in the last Congress. It is a substitute for a similar bill introduced in the present House by the gentleman from Kentucky [Mr. BRECKINRIDGE]. The bill as introduced provided simply that certain words be stricken out and certain words inserted in certain sections of the Revised Statutes. It was considered desirable that the amendatory act should show the act in full as it would stand when amended, and that is the reason why the substitute was reported and why the bill seems so much longer when read from the Clerk's desk than the actual changes in legislation would indicate.

When the bill had passed through the Committee on the Judiciary it was submitted to the revision of experts who are familiar with the copyright laws. They detected certain defects in the language of the bill. I shall therefore offer several amendments. They are mostly verbal. They simply express more clearly the intention of the bill. In several places I wish to have the word "act" substituted for the word "chapter." In one place I shall ask to have the words "section three" substituted for the words "section two." I state this in order to show the character of the proposed amendments. None of them changes the intention with which the bill was drawn.

The ultimate and permanent effect of the bill, as I believe, will be to cheapen to the people of this country all classes of the best literature, foreign and American. It will give to the reading public of the United States the best books at a cheaper average price for each book than now prevails in this country or can prevail under the copyright laws as they now stand. The immediate effect of the bill is to give a certain privilege to foreign authors under the domestic copyright law of the United States. But the privilege thus given is hardly as great as the privileges which American authors now enjoy under the domestic copyright law of other countries; and it is considerably less than the privileges which American authors can reasonably expect to enjoy under the international copyright law of foreign countries if this act shall take effect.

Mr. PAYSON. Will it interrupt my colleague to ask him a question at this time?

Mr. ADAMS. Not at all.

Mr. PAYSON. Will he kindly state to the House exactly what privileges American authors enjoy in Great Britain to-day?

Mr. ADAMS. An American author can have a copyright under the domestic copyright law of Great Britain if on the day on which the book was published he or she was a resident within the Queen's dominions. Miss Cummings, an American author, just before her book was published in England went to Canada and staid a few days, at a hotel, I suppose.

Mr. BUCHANAN, of New Jersey. Citizenship is not required?

Mr. ADAMS. Citizenship was not required. It was done purposely. She went there by agreement with her London publishers, and that was the motive with which she went, yet her copyright was sustained in the courts.

Mr. STOCKBRIDGE. What modification would result from the adoption of this law in England?

Mr. ADAMS. Not from the mere adoption of this law, but a modification is likely to occur in the domestic copyright law of Great Britain, whether we pass this law or no. Of course the passage of this bill will have some effect on English legislation. In other words, according to the report of the royal commission on copyrights, published in 1878, to which there is appended a digest showing the present state of the British law on this subject, it is declared that there ought to be no distinction between a British subject and an alien in the matter of obtaining a copyright under the domestic copyright law of Great Britain. I have that report before me.

Mr. PAYSON. Will my colleague read the present law?

Mr. ADAMS. It is as follows:

In order that copyright in a published book may be obtained under the provisions of article 5, the book must, in all cases, be published in the United Kingdom. The author or other person seeking to entitle himself to copyright may be either—

a. A natural-born or naturalized subject of the Queen, in which case his place of residence at the time of the publication of the book is immaterial; or

b. A person who, at the time of the publication of the book in which copyright is to be obtained, owes local and temporary allegiance to Her Majesty by residing at that time in some part of Her Majesty's dominions.

Mr. PAYSON. Of course, that presupposes a bona fide residence.

Mr. ADAMS. No, sir, it does not. The case to which I referred awhile ago proves the contrary. In our country a British subject may get a copyright if he resides here and has the bona fide intention of remaining. Dion Boucicault lived here for a time and went back to England, I think about 1861. While he was here he secured a copyright under the laws of the United States. Afterwards, he went back to England, and his copyright was assailed in the courts. Judge Drummond put the question to the jury whether at the time when Mr. Boucicault was here he had the intention to make this country his permanent residence. The jury found that he had, and his copyright was sustained, although he had afterwards gone abroad to remain. A person may change his mind the day after he gets his copyright, and may go abroad never to return. Yet his copyright holds good.

I have read the left-hand column in the digest of the British law showing the present state of the law. Here in the right-hand column is what the commission said ought to be the law:

Substitute for the rest of this article the following: "A subject of Her Majesty, or alien, and the place of his residence at the time of publication, shall in all cases be immaterial."

That is what Sir James Stephen recommended. The domestic copyright law of Great Britain is what I have read; but it is the expectation of many that if this bill becomes a law the international copyright law of Great Britain will be extended to American citizens, so that it will not be necessary even to publish the book in the United Kingdom.

The international copyright law of Great Britain provides that copyright in books first published in foreign countries may be extended to citizens of other countries if—now I desire my colleague to listen to the condition—if what Her Majesty regards as due protection has been secured by the foreign countries in which such works are first published, for the benefit of persons interested in similar works first published in Her Majesty's dominions.

So that the question whether the international copyright law will be extended by Great Britain to Americans would depend upon the question whether the Queen's counsel would regard the passage of this act as extending due protection to British authors in the United States. The royal commission before referred to answers the question whether this legislation would be regarded as giving due protection or not, and answers it in the affirmative.

Mr. PAYSON. What is the date of that?

Mr. ADAMS. Eighteen hundred and seventy-eight or 1879. There is also a very interesting work on the subject recently published in Great Britain. It is a prize essay, expanded into a volume by Mr. Scrutton, one of the best, one of the most readable law books that I ever saw. He indicates that the manufacturing clause which is in this bill, by which every book must be printed within the United States, ought not to be objected to by Great Britain, but that they ought to regard this legislation as being, under the circumstances, "due protection," and ought therefore to follow it up by corresponding legislation in Great Britain.

Mr. HOPKINS. Who makes that statement?

Mr. ADAMS. Mr. T. E. Scrutton. His book is entitled *The Laws of Literary Property*.

Mr. HOPKINS. So that if this bill becomes a law the understanding of my colleague is that there will be English legislation upon this subject which will prohibit an American-printed book from being imported into England.

Mr. ADAMS. Not at all. There will be no legislation, but there will be an order in council, by which an American, if he chooses to secure a British copyright, can do so, and if he does not choose he need not do so.

Mr. HOPKINS. But suppose an American author like Howells, or Aldrich, or Bret Harte publishes his works in America and desires to ship them to England and sell them there without having a British reprint made, can it be done under this idea?

Mr. ADAMS. It can, as I understand. There is no objection to it, so far as I can see.

Mr. HOPKINS. But will not the legislation that is proposed by the writer you have quoted prohibit the importation into England of American-printed books?

Mr. ADAMS. Not at all. I believe the effect of this bill will be that most books printed for the benefit of the American and the British public will be published and printed in the United States and imported into Great Britain. That is the opinion of a great many persons who have given attention to the subject, and I have a very strong impression that that will be the effect.

While the similar copyright bill was pending in the last House an English author, in an article published in the London Times, prophesied that if the bill became a law its effect would be to transfer from England to the United States the center of the publishing business of the English-speaking people of the whole world; that the English author would publish his book in the largest market, which would be the market of the United States. The book printed here for 70,000,000 of people would then be imported into England for the use of the 37,000,000 there.

The International Typographical Union, comprising nearly three hundred local unions in the United States and twelve or fifteen in Canada and having a membership of 40,000, undoubtedly foresee this result. They support this bill not merely on the principle that brain-labor like hand-labor ought to receive a fair compensation, but also because they foresee in it a great development in the United States of business of which they know most and in which they are most deeply interested.

I omitted to refer to the manufacturing clause. There is no such clause in our present law. An American author getting a copyright under the existing laws of the United States need not have the book printed in the United States. He can have it printed abroad if he chooses. This bill will amend the law in that particular. The American author, as well as the foreign author, if this bill becomes a law, will in all cases be obliged to have his book printed from type set up in the United States or plates made therefrom.

Mr. HENDERSON, of Iowa. I will ask the gentleman from Illinois whether he intends to refer further to the subject of cheapening or increasing the cost of books.

Mr. ADAMS. I intend to do so.

Mr. HENDERSON, of Iowa. Then I will not interrupt the gentleman with any question.

Mr. ADAMS. I should be perfectly willing to yield to all questions; but I find I have already occupied fifteen minutes. I can now only state the heads of what would have been my argument if I had had more time.

It is a popular impression that books are cheap in the United States and expensive abroad. It is an erroneous impression. In France and Germany all books are much cheaper than we have ever known them in the United States. In Great Britain all books are cheaper than in the United States, except one class of books. That is the class of new books—generally novels—books of a wide interest and capable of an immediate and immense sale, books which can be utilized by the circulating libraries of Great Britain, which have become so important an institution in that country. Their plan is this: When they first publish a book, a considerable part of the edition is subscribed and paid for by the circulating libraries. Sometimes the works are issued in three volumes with this express view: that while A is reading one part of a book, B may be reading another part, and C another part. They are printed in expensive editions, whether because it is the English fashion or for some other reason concerns us not to say.

But books within the first year of their publication are made expensive solely because of the circulating-library system which prevails in Great Britain. When a book has lost the gloss of novelty, when it has served its purpose of increasing the income of the circulating library, then it comes out in the cheap edition. Charles Kingsley's novels have been issued within a year at a shilling a volume—25 cents, and on better paper and in clearer print, as I have been informed—I have not seen the volumes—than we know in this country with regard to cheap editions. Our cheap books are on miserable paper, with miserable print; they are issued only when the publisher can reap an immediate gain within a few weeks or a few months after he gets them out. But these cheap books issued in England a year or two after the first publication are solidly printed on good paper and well bound, differing in all respects from every class of cheap books that we have known in this country.

Now if an English author—and this is the substance of the entire argument; my colleague can have it and answer it for what it is worth, for I have not time to expatiate—if the British author is obliged by British custom to print his expensive three-volume edition of a new book for the circulating libraries, and if also under this proposed legislation in order to secure an American copyright he is obliged to set up the type for an edition in this country, what sort of an edition will he get out? I say it stands to reason that the edition he will print here will be the edition which will bring him the greatest return in this country—that is, a cheap edition, being at the same time the very edition which after a year or two he can utilize in Great Britain.

Mr. DOLLIVER. Can the gentleman inform us under what law Brice's American Commonwealth was copyrighted in this country?

Mr. ADAMS. Because, I believe, it was partly of American authorship.

Mr. PAYSON. A single chapter of the second volume was written by an American author and interpolated for the purpose of securing an American copyright.

Mr. FARQUHAR. That is a first-class argument for this bill.

Mr. PAYSON. In my judgment, it is the best argument against it.

Mr. DOLLIVER. I would like to know whether we may expect that under this bill books of English authorship, copyrighted in this

country, will be sold at such prices as have been charged to the American people for the reprint of the American Commonwealth.

Mr. ADAMS. I do not believe that Professor Brice, had he been an American citizen, could have brought out that book on that paper and printed in that form at much less than the price at which it was sold. I have not time to go into that question; but it is one of the most expensive books to the author ever made. It is also a book of limited sale. The second volume in regard to our State constitutions and the regulations of our State Legislatures is not interesting to the general public as a novel is interesting. The book ought to be put in the category with Story on the Constitution or some other standard law book.

Mr. PAYSON. Will it interrupt my colleague to ask him a question in regard to this book? There is plenty of time.

Mr. ADAMS. I would rather my colleague would not ask me particularly as to that book, as I do not wish to consume any further time upon that point.

Mr. PAYSON. The question relates to the cheapness of books generally.

Mr. ADAMS. Very well.

Mr. PAYSON. I wish to ask if Brice's American Commonwealth has not been copyrighted under the law.

Mr. ADAMS. Yes.

Mr. PAYSON. And does he not believe that the reprint could have been published for less than one-half of the cost of the present edition? which is \$6, I believe.

Mr. ADAMS. I doubt it.

Mr. PAYSON. Why, it has been suggested that \$3 would be ample price.

Mr. ADAMS. Very well. Would not that be an argument for abolishing our domestic copyright law? Will my colleague go as far as that?

Mr. PAYSON. Not at all.

Mr. ADAMS. A book published under the American copyright law, whether a chapter had been written by an American or not, is subject to the conditions of the copyright law of the United States.

Mr. DOLLIVER. Who gets the \$6?

Mr. ADAMS. A large part was spent in experimental editions of the book, destroying one plate after another, in order to secure a correct statement by an Englishman of American institutions. The book was sent here time after time and revised by an American, and the plates were destroyed one after another and reprinted.

Mr. BRECKINRIDGE, of Kentucky. Is it not true that the bill under consideration simply does for the foreign author what a change in the law, over sixty years ago, did for the foreign inventor, who has now under our laws the right to patent his invention and thereby acquires the same protection, under the patent, as if he were an American citizen? This bill, as I understand it, gives the foreign author simply the right which for sixty years we have given to the foreign inventor.

Mr. ADAMS. Provided he manufactures it in the United States.

Mr. LIND. Will the gentleman yield for a question at this point?

Mr. BRECKINRIDGE, of Kentucky. I have not the floor to yield, but if the gentleman from Illinois will allow a question I shall be glad to answer it.

Mr. ADAMS. I will yield to the gentleman.

Mr. LIND. Assuming the question of the gentleman from Kentucky to have been answered in the affirmative, is there not this difference: That if a foreign patentee manufactures the article for which the patent has been obtained abroad, it may be sent to this country upon payment of the American customs duty simply?

Mr. PAYSON. No; not at all.

Mr. BRECKINRIDGE, of Kentucky. No; the gentleman is mistaken. The second section of the patent law gives the patentee the exclusive right to manufacture and vend the invention in the United States. Otherwise his patent would not amount to a row of pins. If he had the competition of a foreign manufacturer his patent would not be worth anything. So the word "exclusive" is used in the law.

Mr. ADAMS. The gentleman from Kentucky is correct. The Constitution of the United States gives Congress the power to secure to authors and inventors for limited times the exclusive right to their respective writings and discoveries. No distinction is made between author and inventor, no distinction between writings and discoveries. So far as discoveries are concerned, we abolished the distinction between citizens and foreigners many years ago. This bill simply aims to apply the same rule to authors.

Now, Mr. Speaker, I must decline to yield further. I have already occupied, I believe, about thirty minutes.

I have a strong conviction that the passage of this bill, whether it leads to a reciprocal act by the British Government or not, will eventually cheapen the best literature to the people of the United States. I have a strong conviction that it will greatly develop the printing and publishing business of the United States. I have a strong belief that the typographical unions of this country anticipate a great development in the publishing and printing business all over the country from the enactment of this bill. Books will be printed here not merely for the use of the people of this country, but also for the use of other countries. That is one reason, apart from the moral considerations which always

underlie this question in the minds of many men, why the great International Typographical Union, embracing some forty thousand men, is so strongly for the bill.

But if this prediction is to be verified, if this legislation will lead to an enormous and permanent benefit in that way, there should be no hesitation about passing the bill. On the other hand, if that prediction is not verified we can repeal the law if it is found not to give the benefits anticipated. If we enact such legislation and find it works so as to oppress the American reading public we can repeal it. In that case the only injury the American people will have sustained will be from the comparatively small number of books which could be published under it in the brief interval of its existence; and where a bill like this, which has been agitated by some of the most enlightened minds in the United States for the last fifty years, promises a great and permanent benefit to the people of this country as readers of books, and at the same time is in accord with the wishes of the great majority of those who are engaged in the business of making, printing, publishing, and distributing books, I submit that it is a piece of wise and just legislation and ought to be placed upon the statute-book.

I desire to know how much time I have occupied.

The SPEAKER. The gentleman has occupied thirty minutes.

Mr. HENDERSON, of Iowa. Before the gentleman takes his seat let me make this statement. It has been said repeatedly that the operation of this law would strike at what are known as the "patent insides" used in the country papers throughout the land. I would like to ask the gentleman what effect, in his judgment, if any, it would have upon them.

Mr. ADAMS. I am informed it will not have the effect anticipated, but I am not prepared to go into that to any extent now.

Mr. ANDERSON, of Kansas. I would like to have that information, before the committee sits down upon the bill, as to the effect it will have upon them.

Mr. ADAMS. That information will be given either by myself or by other gentlemen who will speak for the bill. I reserve the remainder of the time.

ORDER OF BUSINESS.

Mr. KERR, of Iowa. I move that the House do now adjourn.

Mr. CULBERSON, of Texas. With the consent of the gentleman in charge of the bill I am willing to yield to a motion to adjourn.

Mr. ADAMS. I will be glad to have that motion made.

The SPEAKER. The gentleman from Iowa has already submitted the motion.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. YODER, indefinitely, on account of important business.

To Mr. SMYER, for three days, on account of important business.

To Mr. MUDD, for to-day, on account of sickness.

To Mr. ROGERS, until Tuesday next, on account of important business.

To Mr. MUTCHLER, until Tuesday next, on account of important business.

To Mr. MOREY, for ten days, on account of important business.

LEAVE TO PRINT.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] asks leave to print remarks in the RECORD on the trust bill.

Mr. CULBERSON, of Texas. I ask unanimous consent that those desiring to print remarks on the trust bill have permission to do so.

There was no objection, and it was so ordered.

EIGHT-HOUR LAW.

Mr. REILLY obtained unanimous consent to have printed in the RECORD the following resolution; which was referred to the Committee on Labor:

Whereas a law was enacted by Congress on the 25th day of June, 1868, providing "that eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States," thereby declaring this Government in favor of the system; and

Whereas the mechanics, workmen, and laborers, constituting, as they do, the great bulk of our patriotic citizens, are on this 1st day of May, A. D. 1890, agitating and demanding that henceforth eight hours shall constitute a legal day's work: Therefore

Resolved, That it is the sense of this House that the said demand is reasonable and just, and that it is our belief that the inauguration of said system of eight hours for a day's work would be conducive to the public weal and tend to promote the industrial, commercial, intellectual, and moral advancement of the people.

The motion of Mr. KERR, of Iowa, was then agreed to; and (at 5 o'clock and 13 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

INVESTIGATION AS TO THE RERATING OF PENSIONS.

Letter from the Secretary of the Interior, transmitting, in compliance with the resolution of the House of Representatives of March 21,

1890, a copy of the evidence and report of the committee appointed in July, 1889, to investigate the action of the Pension Office in rerating pensions—to the Committee on Invalid Pensions.

PENSION SYSTEM.

Letter from the Secretary of the Interior, transmitting, in compliance with a resolution of the House of Representatives passed March 18, 1890, information in regard to pensions—to the Committee on Invalid Pensions.

ESTIMATE OF EXPENSES OF UNITED STATES COURTS.

Letter from the Acting Attorney-General, calling to the attention of the Committee on Appropriations certain estimates in relation to "expenses of the United States courts" which may be misunderstood—to the Committee on Appropriations.

RESOLUTION.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. MASON:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a list of all matters allowed by the accounting officers of the Treasury enumerated in House Document 26 of the Forty-seventh Congress, first session, not hitherto reported, and for which appropriations have been made; to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. BINGHAM, from the Committee on Merchant Marine and Fisheries, reported favorably the bill of the House (H. R. 8939) to provide for an American register for a steamer to be named Australia, owned by a corporation of the State of California—to the House Calendar.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 8826) granting the right of way through the custom-house grounds at Charleston, S. C., for the extension of Concord street—to the House Calendar.

Mr. WILLCOX, from the Committee on Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6615) for the relief of the heirs of D. B. Bonfoey; and

A bill (H. R. 2458) for the relief of the heirs and legal representatives of James C. Booth.

Mr. DORSEY, from the Committee on the Territories, reported with amendment the bill of the Senate (S. 1318) to reimburse the State of South Dakota for the expenses incurred in holding the constitutional convention of 1885—to the Committee of the Whole House on the state of the Union.

Mr. RAY, from the Committee on Claims, reported with amendment the bill of the House (H. R. 5522) for the relief of J. V. Davis—to the Committee of the Whole House.

Mr. WILLCOX, from the Committee on Claims, reported with amendment the bill of the House (H. R. 3590) for the relief of the estate of John Ericsson—to the Committee of the Whole House.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the following resolution of the House:

Resolved, That in the opinion of this House close commercial relations with the other States on the American continent would be of mutual advantage, and the House would view with favor reciprocity treaties modifying the duties upon the peculiar products of different countries by tariff concessions on both sides conducive to increased commercial intercourse and mutual profit, widening the market for the products of all, and strengthening the friendly relations of this country with its neighbors.

reported the same favorably.

Mr. MCCREARY, on behalf of the minority of said committee, submitted their views in writing thereon together with a proposed substitute therefor, and

Mr. COLEMAN, from the same committee, submitted his views in writing thereon.

The said report and views of the minority were referred to the House Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, the following adverse report was delivered to the Clerk and laid on the table, as follows:

Mr. BURTON, from the Committee on the District of Columbia, on the bill (H. R. 3712) to amend charter of Columbia National Bank of Washington.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. STONE, of Kentucky (by request): A bill (H. R. 9914) to define the route of the Baltimore and Ohio Railroad in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 9915) providing for the construction of a light-ship for Fenwick's Island Shoal, Delaware—to the Committee on Commerce.

By Mr. HANSBROUGH: A bill (H. R. 9916) to reimburse the State of North Dakota for expenses incurred in holding the constitutional convention in that State in July and August, 1889—to the Committee on Territories.

By Mr. PETERS: A bill (H. R. 9917) to convey certain lands to the State of Kansas—to the Committee on the Public Lands.

By Mr. BIGGS: A bill (H. R. 9918) to repeal "An act to regulate and improve the civil service of the United States"—to the Select Committee on Reform in the Civil Service.

By Mr. CUTCHEON: A bill (H. R. 9919) to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia—to the Committee on Military Affairs.

By Mr. MASON (by request): A bill (H. R. 9920) to amend an act entitled "An act to regulate commerce"—to the Committee on Commerce.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 9709) appropriating prize money due the survivors of Farragut's fleet for captures made on the Mississippi River in April, 1862—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BAKER (by request): A bill (H. R. 9921) granting a pension to William P. Holl—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 9922) to remove the charge of desertion from the military record of Malon R. Hemler—to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 9923) for the relief of Harvey Bishop—to the Committee on Claims.

By Mr. EWART: A bill (H. R. 9924) to place the name of George F. Blythe, Company F, Second North Carolina Mounted Volunteers, upon the pension-rolls of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 9925) to place the name of George W. Justice on muster-roll of Company B, Third Regiment North Carolina Volunteers (mounted infantry)—to the Committee on Military Affairs.

Also, a bill (H. R. 9926) for the relief of W. D. Justice, Blue Ridge, N. C.—to the Committee on War Claims.

Also, a bill (H. R. 9927) to place the name of Thomas M. Kuykendall, Company F, Second North Carolina Mounted Infantry, on the muster-rolls of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 9928) granting an increase of pension to Daniel Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9929) to place the name of Amos Tallent, Company F, Second Tennessee Cavalry, on the muster-rolls of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 9930) for the relief of A. B. Welch, Forney's Creek, N. C.—to the Committee on War Claims.

By Mr. HARMER: A bill (H. R. 9931) granting a pension to Caroline Huddell White—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 9932) granting a pension to Catherine Devlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9933) granting an increase of pension to David Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9934) granting a pension to Conrad McClain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9935) granting a pension to William Stover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9936) granting a pension to Henrietta E. Wells—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 9937) for the relief of Isaac M. Brower, of Lawrenceburg, Ind.—to the Committee on Claims.

By Mr. HOOKER: A bill (H. R. 9938) for the relief of the Roman Catholic Church of St. Peters, at Jackson, Miss.—to the Committee on Claims.

By Mr. KINSEY (by request): A bill (H. R. 9939) for the relief of Daniel O'Connell—to the Committee on Military Affairs.

Also, a bill (H. R. 9940) for the relief of Conrad Sporleder—to the Committee on Pensions.

By Mr. LANSING: A bill (H. R. 9941) for the relief of Elizabeth Common—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: A bill (H. R. 9942) directing the Secretary of War to issue an honorable discharge to Royal A. Ide—to the Committee on Military Affairs.

Also, a bill (H. R. 9943) directing the Secretary of War to issue an

honorable discharge to Lewis F. Morgan—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 9944) granting a pension to Margaret Semple—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 9945) to increase the pension of Charles Barker—to the Committee on Pensions.

By Mr. SPINOLA: A bill (H. R. 9946) for the relief of John Deck—to the Committee on Military Affairs.

Also, a bill (H. R. 9947) granting a pension to Barbara Stenner—to the Committee on Military Affairs.

By Mr. STEWART, of Georgia: A bill (H. R. 9948) granting a pension to Mrs. Matilda Kent—to the Committee on Pensions.

Also, a bill (H. R. 9949) granting a pension to Mrs. L. M. Jossey—to the Committee on Pensions.

Also, a bill (H. R. 9950) granting a pension to B. S. Roan—to the Committee on Pensions.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 9951) for the relief of Elizabeth Burke—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ANDERSON, of Mississippi: Memorial of citizens of Wayne County, Mississippi, praying for the speedy passage of House bill 5353, relating to dealing in futures and options—to the Committee on Agriculture.

Also, memorials of members and delegates of the Farmers' Alliance of Clarke County, Mississippi, praying the passage of House bill 7162 and Senate bill 2806, known as the subtreasury bills—to the Committee on Ways and Means.

By Mr. BARNES: Petition of certain citizens of Burke County, Georgia, for an appropriation for Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of certain citizens of Goshen, Lincoln County, Georgia, for the passage of a subtreasury bill set forth in House bill 7162 and Senate bill 2806—to the Committee on Ways and Means.

Also, petition of certain citizens of Jefferson County, Georgia, for the same measure—to the Committee on Ways and Means.

Also, petition of certain citizens of Lincoln and Columbia Counties, Georgia, for the same measure—to the Committee on Ways and Means.

By Mr. BAYNE: Resolutions of the Chamber of Commerce of Pittsburgh, Pa., favoring the establishment of a limited postal-telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. BELDEN: Petition of A. P. Jischang and 21 others, citizens of Syracuse, N. Y., protesting against increased duty on guns—to the Committee on Ways and Means.

By Mr. BLISS (by request): Memorial of Joseph Marks and 30 others, citizens of Saginaw, Mich., protesting against the proposed tobacco schedule of the McKinley tariff bill—to the Committee on Ways and Means.

By Mr. BLOUNT: Petition of citizens of Jasper County, Georgia, in favor of House bill 7162 or Senate bill 2806—to the Committee on Banking and Currency.

Also, petition of citizens of Upson County, Georgia, for the passage of the same measure—to the Committee on Banking and Currency.

Also, petition of citizens of Triggs County, Georgia, for the passage of the same measure—to the Committee on Banking and Currency.

Also, petition of citizens of Macon County, Georgia, asking for a first-class harbor on the Gulf coast of Texas—to the Committee on Rivers and Harbors.

Also, petition in favor of Government aid for a harbor on the Gulf coast of Texas—to the Committee on Rivers and Harbors.

By Mr. BREWER: Petition of W. T. Turnstead, H. T. Wright, and 17 others, citizens of Oxford, Mich., against increase of duty on leaf-tobacco—to the Committee on Ways and Means.

By Mr. CARLTON: Petition from Alliance men of Oglethorpe County, Georgia, asking for the passage of House bill 7126 or Senate bill 2806—to the Committee on Agriculture.

Also, petition from Alliance men of Oglethorpe County, Georgia, in opposition to the Conger bill—to the Committee on Agriculture.

Also, petition from Alliance men of Morgan County, Georgia, for Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition from citizens of Oconee County, Georgia, for the same improvement—to the Committee on Rivers and Harbors.

By Mr. CONGER: Petition for the passage of laws for the perpetuation of the national-banking system, under which the interest of depositors is protected by Government supervision—to the Committee on Banking and Currency.

By Mr. COWLES: Petition of J. H. Quinn and others, members of Earl's Farmers' Alliance of Chambers County, North Carolina, against the Conger lard bill and for the Vance subtreasury plan—to the Committee on Agriculture.

Also, petition of Lovejoy Alliance, in the same State, for the same measure—to the Committee on Agriculture.

Also, petition of T. A. Hudson and others, of Elk Shoal Alliance, No,

924, of Alexander County, North Carolina, for the same measure—to the Committee on Agriculture.

Also, petition of M. L. Garrison and others, of Lincoln County (North Carolina) Alliance, for the same measure—to the Committee on Agriculture.

Also, petition of J. A. Roberts and others, of Patterson Spring Alliance, North Carolina, for the same measure—to the Committee on Agriculture.

Also, petition of W. A. Randall and others, of Rock Cut Alliance, North Carolina, for the same measure—to the Committee on Agriculture.

Also, petition of T. C. Land and others, citizens and members of Farmers' Alliance of Wilkins County, North Carolina, for the same measure—to the Committee on Agriculture.

Also, petition of J. W. Dorsey and others, citizens of Burke County, North Carolina, for the same measure—to the Committee on Agriculture.

Also, petition of James W. Randall and others, of Broad River Alliance, for the same measure—to the Committee on Agriculture.

Also, petition of M. D. Kendrick and others, of Bethesda Alliance, North Carolina, for the same measure—to the Committee on Agriculture.

By Mr. CRAIG: Memorial of Coal Creek Grange, No. 573, Indiana County, Pennsylvania, in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petitions of various organizations in Pennsylvania, for a national Sunday-rest law—to the Committee on Labor.

By Mr. CRISP: Petition of R. R. Hurst, J. M. Davis, and others, citizens of Houston County, Georgia, asking for an appropriation for a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, resolution of Pine Hill Farmers' Alliance, No. 792, of Laurens County, Georgia, in favor of laws regulating transportation by railways—to the Committee on Commerce.

By Mr. FITHIAN: Papers to accompany a bill for the relief of George A. Rodabaugh—to the Committee on Invalid Pensions.

By Mr. FLOWER: Petition of McKinnon & Robbins, Fairchilds Bros. & Foster, and 24 other drug firms, against duty on sugar of milk—to the Committee on Ways and Means.

Also, petition of F. E. Morse and others, of New York, for the protection of American lime-manufacturing industry—to the Committee on Ways and Means.

By Mr. FUNSTON: Resolutions of Vineland Alliance, No. 773, Vineland, Kans., approving of pure lard and pure food, and favoring deep-water harbor on the Gulf of Mexico—to the Committee on Agriculture.

Also, petition of colored citizens of Hinds County, Mississippi, protesting against the Conger lard bill—to the Committee on Agriculture.

By Mr. GEAR: Resolutions of Butchers' Protective Association of America, against adulterated lard—to the Committee on Agriculture.

By Mr. GREENHALGE: Remonstrance of G. T. Knowlton, M. E. Wheeler, J. O'Brien, and others, cigar-makers, of West Acton, Mass., against any increase in the duties on Sumatra tobacco—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of D. E. Cameron and 15 others, teachers, of Pepin County, Wisconsin, in favor of an international copyright law—to the Committee on the Judiciary.

By Mr. HAYES: Petition of Green Tree (Iowa) Farmers' Alliance, in favor of the Conger bill—to the Committee on Agriculture.

Also, petition of M. J. Strenser and 5 others, citizens of Iowa, against the increase of duty on albumen paper—to the Committee on Ways and Means.

Also, petition of William Reimes and others, citizens of Iowa, against legislation restricting immigration and changing naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, petition of Milan (Ill.) Canning Company, in favor of bounty on beet sugar and for free machinery for its manufacture—to the Committee on Ways and Means.

Also, petition of S. L. Waide & Co. and citizens of Iowa, against increase of duty on breech-loading guns—to the Committee on Ways and Means.

By Mr. HENDERSON, of Illinois: Petition of James M. Grimes, of the town of Woodpoint, Henry County, Illinois, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. HENDERSON, of North Carolina: Petition of Adderton and J. Bodgett, of Jackson Hill, Davidson County, North Carolina, protesting against the imposition of a tariff duty on hides—to the Committee on Ways and Means.

By Mr. HITT: Memorial and resolutions by the Chicago Furniture Manufacturers' Association, indorsing the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. HOLMAN: Petition of Isaac M. Brower, of Lawrenceburgh, Ind., and papers in support of the bill for the relief of Isaac M. Brower—to the Committee on Claims.

Also, petition of Albert Parvis and 6 others, citizens of Union County, Indiana, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of James Bulger and 10 others, citizens of the same county and State, for the same measure—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petitions of citizens of Erath County, Texas, relating to subtreasury bill—to the Committee on Agriculture.

Also, petition of citizens of Parker County, Texas, relating to subtreasury bill—to the Committee on Agriculture.

Also, petition of citizens of Callahan County, Texas, relating to the bill known as the subtreasury bill—to the Committee on Agriculture.

By Mr. LANSING: Petition of 3,000 citizens of St. Lawrence County, New York, praying for the passage of the bill for the construction of Niagara ship-canal—to the Committee on Commerce.

By Mr. LEHLBACH: Petition of business men of Newark, N. J., for a protective duty on lime—to the Committee on Ways and Means.

By Mr. McCLAMMY: Petition of W. M. Sexton, secretary Harnett County Alliance; of 19 citizens of Brice Alliance; of 25 members of Lemon Spring Alliance; of D. P. Shields, secretary Moore County Farmers' Alliance; of W. W. Sutry, secretary C. C. Farmers' Alliance; of S. B. Page and 29 members of South River Alliance; of H. B. Koonce and 28 members Richland Alliance; of Joe W. Gardener and 18 members of Wayne County Alliance; of B. F. Grady and 54 members of Duplin County Alliance; of J. E. Person and 50 members of Wayne County Alliance; of W. J. Craddock and 31 members of Sampson County Alliance; of W. S. Smith and 21 members of Wayne County Alliance; of J. L. Nicholson and 27 members of Onslow County Alliance; of S. B. Page and 28 members of Sampson County Alliance; of W. J. Craddock and 32 citizens of Sampson County; of J. E. Person and 51 citizens of Pikeville; of C. F. Herring and 21 members of Wayne County Alliance; of J. McK. Grady and 54 members of Sutton Branch Alliance; of C. D. Brown and 19 citizens of Wayne County; of George E. Brice and 14 citizens of Cumberland County; of A. B. Johnson and 27 citizens of Moore County, North Carolina, requesting passage of House bill 7162, Senate bill 2806—to the Committee on Ways and Means.

By Mr. McRAE: Resolutions of Farmers and Laborers' Union of Howard County, Arkansas, favoring the establishing of a system of subtreasuries—to the Committee on Ways and Means.

Also, resolutions of the National Farmers' Alliance and Industrial Union of Arkansas, favoring the same system—to the Committee on Ways and Means.

Also, petition of W. J. Wallace and 94 others, citizens of Hope, Hempstead County, Arkansas, in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. NIEDRINGHAUS: Petition of certain citizens of St. Louis, for a better system of distributing public documents—to the Committee on Printing.

By Mr. O'DONNELL: Petition of 59 citizens of Charlotte, Mich., praying for the passage of laws to perpetuate the national-banking system—to the Committee on Banking and Currency.

By Mr. O'NEILL, of Pennsylvania: Petition of officers of the National Guard of Pennsylvania, asking for the passage of House bill 6157, known as the bill of General HENDERSON, of Iowa—to the Committee on Military Affairs.

Also, memorial of the Philadelphia Board of Trade, in opposition to House bill 6420, being an act to amend an act to provide for taking the eleventh and subsequent censuses—to the Select Committee on the Eleventh Census.

By Mr. PETERS: Petition of citizens of Anthony, Kans., protesting against the tobacco schedule of the proposed tariff bill—to the Committee on Ways and Means.

Also, petition of citizens of Harvey County, Kansas, protesting against change of interstate-commerce act relating to ticket brokers—to the Committee on Commerce.

Also, petition of citizens of Sedgwick County, Kansas, for Butterworth option bill—to the Committee on Agriculture.

Also, petition of Charles J. Jackson and J. J. Byers, of Kansas, protesting against increased duty on roses—to the Committee on Ways and Means.

By Mr. QUACKENBUSH: Petition of 125 citizens of Troy, N. Y., in favor of continuing the national-banking law, etc.—to the Committee on Banking and Currency.

By Mr. RUSSELL: Petition of Margaret Semple, for a pension—to the Committee on Invalid Pensions.

By Mr. SCULL: Memorial of Grangers of Bedford County, Pennsylvania, in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Grange No. 791, of Blair County, Pennsylvania, in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. SENEY: Petition of John Graham & Co. and others, favoring a reduction of the duty on flax manufactures—to the Committee on Ways and Means.

Also, petition of Adam Cramer and 32 other ex-Union soldiers of Hancock County, Ohio, favoring service pension—to the Committee on Invalid Pensions.

By Mr. SKINNER: Petition of Andrew Jayne and 17 others, of Pitt

County, North Carolina, for the passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of L. N. C. Spruill and 29 others, of Washington County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of J. D. Hampton and 42 others, of Currituck County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of J. R. Gay and 29 others, of Jacob Branch Farmers' Alliance, for the same measure—to the Committee on Ways and Means.

Also, petition of L. B. Newburn and 81 others, of Pitt County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of W. S. Spruill and 19 others, against the passage of House bill 283—to the Committee on Agriculture.

By Mr. STAHLNECKER: Letter of Mr. J. Osgood Carlton, against the Butterworth bill—to the Committee on Agriculture.

Also, petition for the granting of medals of honor to the forlorn hope storming column—to the Committee on the Library.

Also, petition of the National Grange, Patrons of Husbandry, favoring certain legislation—to the Committee on Agriculture.

Also, petition of D. M. Downing and 28 persons, of New Rochelle, N. Y., favoring House bill 7162 and Senate bill 2806—to the Committee on Agriculture.

By Mr. STEWART, of Georgia: Petitions of many citizens of Georgia, protesting against the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. STOCKBRIDGE: Petition of 26 citizens of Baltimore, against the manufacture and sale of adulterated articles and in favor of H. R. 10320 (Fiftieth Congress)—to the Committee on Agriculture.

Also, a petition of 26 others, citizens of Baltimore, for the same measure—to the Committee on Agriculture.

By Mr. TURNER, of Kansas: Petition of C. J. Peters, secretary of Willow Dale Alliance, protesting against duty on ores imported from Mexico—to the Committee on Ways and Means.

Also, petition of Twin Creek Alliance, Osborne County, Kansas, opposing the refunding of the Union Pacific Railroad bonds—to the Committee on the Pacific Railroads.

Also, petition of O. O. Osborne and 64 others, opposing refunding of Union Pacific Railroad bonds—to the Committee on the Pacific Railroads.

By Mr. VANSCHAICK: Petition of merchants, manufacturers, and capitalists of the city of Milwaukee, numbering 122, favoring the passage of laws which will encourage and perpetuate the national-banking system—to the Committee on Banking and Currency.

By Mr. WADE: Petition for reference of papers relating to the claim of Susannah J. Rose, widow of Allen Rose, to the Court of Claims—to the Committee on War Claims.

Also, petition for reference of papers relating to the claim of John H. Roberson to the Court of Claims—to the Committee on War Claims.

Also, petition for reference of papers relating to the claim of Floyd M. Todd to the Court of Claims—to the Committee on War Claims.

Also, petitions of Woman's Christian Temperance Union and other organizations in Missouri, for a national Sunday-rest law—to the Committee on Labor.

By Mr. WALKER, of Massachusetts: Petition of 100 citizens of Spencer, Mass., praying for the passage of laws for the perpetuation of the national-banking system, under which the interests of depositors are protected by Government supervision—to the Committee on Banking and Currency.

By Mr. WASHINGTON: Petition of M. L. Shemwell and 22 others, of Cheatham County, Tennessee, asking for the passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of C. N. Herron and 45 others, of same county and State, for the same relief—to the Committee on Ways and Means.

Also, petition from Alex. Lowe, M. D., and 8 others, from the same county and State, for the same relief—to the Committee on Ways and Means.

SENATE.

FRIDAY, May 2, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of the United States Maimed Soldiers' League, praying for the enactment of Senate bill 833 and House bill 3328, in regard to pensions; which was referred to the Committee on Pensions.

He also presented the memorial of the representatives of the religious Society of Friends for the States of Pennsylvania, New Jersey, and Delaware, in opposition to the passage of an act making appropriations for the construction of a navy; which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented petitions of citizens of the towns of Chaun-

cney and Gibson, Ill., praying for the passage of a service-pension bill; which were referred to the Committee on Pensions.

Mr. PADDOCK presented a memorial of the representatives of the religious Society of Friends in the States of Pennsylvania, New Jersey, and Delaware, remonstrating against the passage of bills for a large increase of appropriations for the construction of vessels of war, etc.; which was referred to the Committee on Naval Affairs.

Mr. ALLISON presented a petition of 111 citizens of Knoxville, Iowa, and a petition of 26 citizens of Swan, Iowa, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented petitions of members of Star Alliance, No. 1247, and of Olivet Alliance, No. 1142, of the county of Mahaska, in the State of Iowa, praying for the passage of the Conger compound-lard bill; which were referred to the Committee on Agriculture and Forestry.

Mr. DOLPH. I present the petition and statements of the United States Maimed Soldiers' League, praying for the enactment of Senate bill 833 and House bill 3328. I believe those bills have already been acted upon by the Committee on Pensions. However, the petition may be referred.

The VICE-PRESIDENT. The petition will be referred to the Committee on Pensions.

Mr. BERRY presented a petition of the Farmers' Alliance of Clark County, Arkansas, praying for the passage of House bill 7162, providing for the deposit of agricultural products in Government warehouses; which was referred to the Committee on Agriculture and Forestry.

Mr. EVARTS presented a memorial of the Farmington Executive Meeting of Friends of Wayne County, New York, numbering 53 persons, remonstrating against the proposed large increase of expenditures for the Navy and so-called coast defenses; which was referred to the Committee on Naval Affairs.

Mr. TURPIE presented petitions of citizens of St. Joseph and Clinton Counties, in the State of Indiana, and a petition of citizens of Indiana, praying for the passage of the House bill in relation to pure food; which were referred to the Committee on Agriculture and Forestry.

Mr. TELLER presented a petition of Subordinate Union No. 2 of the Bricklayers and Masons' International Union of America, of Pueblo, Colo., praying that none but citizens of the United States be employed on Government works; which was referred to the Committee on Education and Labor.

Mr. HARRIS. I present a memorial of a number of citizens of Tampa, Fla., remonstrating against the passage of what is known as "the Plumb bill," disposing of the late Fort Brooke military reservation, and a bill for the disposal of abandoned and useless military reservations, which have been reported from the Committee on Public Lands. I move that the memorials lie on the table, as the bills have been reported.

The motion was agreed to.

Mr. INGALLS presented a memorial of the Society of Friends of Jewell County, Kansas, remonstrating against further increase in naval expenditure; which was referred to the Committee on Naval Affairs.

He also presented a petition of the board of county commissioners of Anderson County, Kansas, praying for a deep-water harbor on the Gulf of Mexico; which was ordered to lie on the table.

Mr. COKE presented a petition of the Farmers' Alliance of Jones County, Texas, praying for the election of United States Senators by the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Union No. 367, of the United Brotherhood of Carpenters and Joiners, of San Antonio, Tex., praying for the enforcement of the law passed in 1868 making eight hours a day's labor on all Government work; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2660) to provide for opening alleys and constructing sewers in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2608) for establishing a free public bathing beach on the Potomac River beside the Washington Monument grounds, reported it without amendment.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 188) for the erection of a public building at Columbus, Ga., reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2386) granting a pension to John Connolly;

A bill (S. 2043) granting a pension to Edgar M. Cherry; and

A bill (H. R. 4038) granting a pension to James Fitzgerald.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2493) granting a pension to John Swearer, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H.